



Approved Minutes

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

Tuesday, June 21, 2022
6:00pm Regular Council Meeting

There was a budget workshop originally planned for, but was cancelled last minute. No Budget workshop held on June 21. It will get rescheduled when staff is prepared.

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

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

REPORTS:

Treasurer Report – Lori submitted the May reports and she read aloud the ending bank account balances as of the end of May 2022. Checking was \$342,725.42; Savings/MM was \$627,401.74; and LGIP was \$979,686.82.

Water Report – Lori submitted May written report and read the totals aloud. May usage was up to 4,138,274 gallons and coin haulers were 284,200 gallons. Coin Haulers money deposited in May was \$793.01, and bulk water payments received was \$156.00; billed was \$15,406, only \$406 of that was overage and late fees was \$500.00. Lori also shared that the outstanding account previously discussed, ended up paying the balance in full.

Planner Report – Rand submitted written report and briefly ran through it by subject matter: Colton Acres- The Mayor, 2 council, and staff met with the developers of Colton Acres on June 16th to discuss future phases of the subdivision. Rand wasn't there for the whole meeting but felt it was productive and useful exchange of information. The developers were looking at possibly getting an application for the next phase in the next month or so. Pastime/Freemont Street Vacation – The Council heard and approved the request to vacate at the May 17th meeting. The order of decision and Ordinance has been drafted. Waiting on the deed to dedicate the additional right of way before it can be finalized. Fast Subdivision –The Council approved the final plat at the May 17th meeting. The project surveyors are working on the final plat documents to get the plat recorded. Jennie's Lot Subdivision is an action item on tonight's agenda for a public hearing. Road Improvements on 2nd Street – This item is on tonight's agenda, to accept the dedication of the new right of way and the water line easement and pass the Ordinance. An order of decision and public hearing was previously held in December of 2021. It is anticipated construction will begin as soon as the ordinance is published, and we can issue permits. Code Amendments – He is not done drafting the text amendments for the subdivision but hopes to have something within the next couple of weeks. Councilwoman Kramer- added she hoped they would bring more ideas of what they want, but they did not and that they just wanted to listen to what types of concerns we have and how they might mitigate those concerns. They also wanted to know what we felt was best for the neighbors most affected. They were encouraged to have a public meeting with that

***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 48 hours in advance of the meeting date and time.*

neighborhood. It is scheduled for 6/28/2022 at 6:30pm, at the end of Alice Court in Northern Meadows. She is asking for a good turn out and for everyone to be respectful of each other. Bring a chair, water will be provided. Bring your concerns and have a conversation with the developers.

ACTION ITEMS:

1) APPROVAL OF THE June 7th REGULAR MEETING MINUTES:

Motion by McDaniel, that we approve the last regular meeting minutes on the 7th, without amendments.

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

2) APPROVAL OF BILLS AS SUBMITTED: Motion by Kramer that we approve paying the June/July bills as submitted without amendments.

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

3) DISCUSSION/DELIBERATION/APPROVAL of the Order of Decision for the Fremont Street Vacation, East of Pastime Street, a request by Jeremy Hester; of the Fremont Street Vacation Ordinance #436 and the Acceptance of the Right of Way Dedication. Motion by McDaniel, to approve the ORDER of Decision for the Fremont Street Vacation and accept the Right of Way Dedication. *DISCUSSION- Council held a public hearing on May 17, 2022 and approved the request that night, this is the formal summation of that decision. **Roll Call:** Devine-yes; McDaniel-yes; Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

Motion by McDaniel, to place proposed ORDINANCE #436 a request by AJ Homes LLC, for the Public Right-Of-Way Vacation, on its first and only reading by title only while under suspension of the rules.

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

Mayor then read the proposed ordinance by title: ORD #436- AN ORDINANCE OF THE CITY OF ATHOL, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE LANDS DESCRIBED IN SECTION 1 OF THIS ORDINANCE TO BE VACATED, CONSISTING OF CITY OWNED STREET RIGHT-OF-WAY FOR FREEMONT AVENUE, WITHIN BENNETT'S SECOND ADDITION TO ATHOL; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by McDaniel, to approve ORD #436 the Vacation of the Public Right of Way, Fremont Street, east of Pastime Street on its first and only read while under the suspension of the reading of the rules and to direct the clerk to publish by summary only, and to accept the Right of Way dedication.

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

PUBLIC HEARING #1 To consider public comment on Jennie's Lot Subdivision. (Miller Road)

The Mayor opened the hearing at 6:18pm. The Mayor stated this a public hearing so please speak loud and clear- it is being recorded. Those wishing to speak, we ask you to wait until I open it up for public comment. He then invited the City Planner, Rand Wichman, to introduce the Subdivision Request. **Rand** stated this request is to divide one lot, approximately 3.7 acres in size, into two. Almost as simple as it can get. There are currently two homes on one lot, and this will bring this parcel into compliance with the city code. The applicant was very pro-active in addressing minor needs of the various agencies. There was one accessory building, a children's playhouse that was on the boundary line, and it will be moved to the south in a manner to meet setbacks. He addressed getting their own city water meter and worked with Panhandle Health district regarding the septic tank. He got the fire district approval after correctly identifying his address numbering along the road, and no city engineering was required for this request.

Rand then recommended the council approve this request with the few minor conditions listed, and there really isn't much more on this one. The Mayor then invited the applicant, Bob Peak, to speak. Bob stood and said he thinks Rand covered it well and he's working on the address lettering now. Then the Mayor asked for any public comment regarding this matter. Now is the time to address the council. He asked first if there was anyone For the Subdivision wishing to speak. There were none. Then he asked if there were anyone wanting to comment that are Neutral, and finally those Opposed to the subdivision. There was no one for either. Hearing no public comment, he closed the public hearing at 6:24pm. The Mayor then directed the council to deliberate on the matter.

4) DELIBERATION/DECISION on the Jennie's Lot Subdivision. Motion by Kramer to approve the Jennie's Lot Subdivision application for preliminary plat approval. *DISCUSSION – The council had no deliberations and were ready to go right in this motion. **Roll Call: Kramer-yes; Devine-yes; McDaniel-yes; Cutaiar-yes. **Motion passed. ACTION ITEM****

5) DISCUSSION/APPROVAL of the 2nd Street Vacation Ordinance #437 and the Acceptance of the Right of Way Dedication. The Mayor asked Planner Rand to start this discussion. Rand shared this is an ordinance to vacate the right of way on 2nd street, near Menser. A public hearing was already held back on December 21, 2021 and also approved an Order of Decision back then. The details of the right of way dedication and the waterline easements have been completed. So, it is ready for you to formally accept those dedications and formally approve the Ordinance for this road vacation.

Motion by Devine, to place proposed ORDINANCE #437 requested by Thomason/McDaniel, for the Public Right-Of-Way Vacation, on its first and only reading by title only while under suspension of the rules. *DISCUSSION **Roll Call:** Devine-yes; McDaniel-abstain; Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

Mayor then read the proposed ordinance by title: ORD #437- AN ORDINANCE OF THE CITY OF ATHOL, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE LANDS DESCRIBED IN SECTION 1 OF THIS ORDINANCE TO BE VACATED CONSISTING OF CITY OWNED STREET RIGHT-OF-WAY FOR 2ND STREET, SOUTH OF MENSER AVE. AND AN ALLEY IN WITHIN BLOCK 10 OF PLAT OF STATE'S ADDITION TO ATHOL; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Devine, to approve ORD #437 the Vacation of the Public Right of Way, 2nd Street, on its first and only read while under the suspension of the reading of the rules and to direct the clerk to publish by summary only; and accept the Dedication of the new Right of Way, and the Water Line Easement.

*DISCUSSION **Roll Call:** McDaniel-abstain; Cutaiar-yes; Kramer-yes; Devine-yes. **Motion passed. ACTION ITEM** For the record: Councilman McDaniel abstained as he is a party to this request.

PUBLIC HEARING To consider public comment on Impact Fees Ordinance #438.

The Mayor opened the public hearing at 6:28pm. The Mayor stated this a public hearing so please speak loud and clear- it is being recorded. Those wishing to speak, we ask you to wait until I open it up for public comment. Fill out the half sheets in the back, please, if you wish to comment tonight. Be sure to mark if you want to speak and list your full physical address. – The Mayor then asked the City Attorney, Jason Wing, to introduce the Ordinance Request. This is a request for the city to enter into an agreement with both the Kootenai County Emergency Medical Services System (KCEMSS) and the Timberlake Fire District (TLF) to collect Development Impact Fees on new development. They are not taxing entities and cannot impose taxes on their own, but Idaho code does provide municipalities with the authority to do it. There are set fees that have been based upon the capital improvement plan. When a new application comes into the city for a new build, the city would collect those fees and then pass it on to TFF and

KCEMSS. The city would also collect a small fee for their time in collecting. The Mayor then asked if the Consultant for Timberlake Fire District and KCEMSS would like to speak. Neither she nor the fire chief wanted to, but Fire Chief Brandon Hermet said they are available if anyone has questions. The Mayor then called anyone who is wishing to speak, to fill out the half sheet and come forward now. He again asked if anyone For the collection of Impact Fee Ordinance, those who are Neutral, and finally those Opposed. The City Clerk, Lori Yarbrough, spoke that she did receive one written testimony – the Mayor read it aloud. It was from Mel and Jeanette Bertsch at 30575 N Old Hwy 95. They said they trust the judgement of the city council on the decision of the fire district’s request to tax on new building permits. The clerk then just clarified for the public, that this is the time for them to come forward and tell your council if you want them to pass this or not. There was a brief question regarding the rate amounts and availability of this information. Councilwoman Kramer- shared she felt there was a lot of legal jargon, and it is not written for the laymen. Mayor asked if we were ready to close the public hearing before the council begins their deliberations on this matter. He closed the public hearing at 6:34pm. The council began their deliberating. Then a county resident, Levi Thomason (4415 E Brunner Road Athol, ID 83801) asked to address the council. Mayor allowed. He asked if there was any way to make this information available so he and others can read up on it, to ask questions. Clerk shared it’s been available at City Hall, but it has not been on the city website. She wasn’t sure if TLF had it available on their website or not. It’s been a conversation for about a year and half now, but she can get you copies if you come to city hall or go to the fire station. City Attorney, Jason, added what Athol is considering right now is not unique. This is a request happening all over the state in cities and counties. Kootenai County has already approved it for the rural areas and Hayden, Rathdrum, and Post Falls are all likely to pass the same thing. Mr. Thomason added his concerns that these fees will increase the cost to those buying the homes and such, making them even less affordable. City Attorney Jason says it’s the increased growth that creates the burden on the infrastructure and that is what creates the desire to make this burden be placed on those creating the burden (building new). The capital improvement plans laid out the projections for the need to serve the population based upon the population and the project growth for the area. Councilman Cutaiar asked a question of Mr. Thomason- regarding his definition of affordable housing. To which Mr. Thomason responded as cheap as possible with minimum or no profit. Mayor then asked for the council now to really begin discussing amongst themselves.

Councilwoman Kramer- Began with her areas of discussion about her being bothered by the language about what the city has done thus far, when it was a committee, the city did not help select. She questioned the statistics used in the study and wanted to know how often this is evaluated. And also wanted to know if this was passed, could the city later decide to back out of it, if they chose. Councilman McDaniel- Believes that more agencies are going to start coming to the city asking for this, the schools will be next. It’s adjustable and movable as far as rates and he doesn’t like it. He feels if the fire district needs something- go to the people and let them vote on it. Councilwoman Kramer- then continued to other areas of concern like, who oversees the use of these funds, fears more costs to the city in the event of an error in calculating the fees, or the whole topic of how refunds are handled, exemptions, and how costly it could be to the city. Councilman Cutaiar- asked about the general release of liability in the event of math errors or something? City Attorney, Jason- stated that you don’t have to make a decision tonight, if there are areas you want to revise or discuss further, we can do that. Some further deliberations went on with no real direction. Clerk Lori - mentioned maybe the fire department and city could do some sort of open house to help explain and reach out to more citizens for comments and feedback. Mr. Thomason- again asked to speak and the Mayor allowed. He shared his quick calculations as a hypothetical that he could be looking at paying if the council were to approve this ordinance, his 8.3 acres of commercial property in the city he owns. He grew up here and he hopes to begin to give back to the community. Passing this would mean at max build on his property, at 50% lot coverage, he would have to pay approximately \$269,353 in impact fees in addition to water and such. He finished with sharing some of his vision on the nature or type of use he hopes to bring to that commercial area in town. In sum he feels

the costs for him, a local, is insane and hope the council does not approve this. The mayor did offer once more if anyone else in the public or council have anything more to say. With that the council had nothing more to add and they were done with the deliberations, the following motion was made:

6) DISCUSSION/APPROVAL of Ordinance #438 Adding Title 10 Intergovernmental Agreement Development Impact Fees.

Motion by Kramer, to deny entering into a Resolution 2022-04 which is an Agreement with the City of Athol entitled the “City of Athol/Timberlake Fire Protection District (and the Kootenai County Emergency Medical Services System) Intergovernmental Agreements (2) and Joint Powers Agreement for the Collection and Expenditure of Development Impact Fees for Fire District Systems Improvements (and EMS Systems Improvements). *DISCUSSION Roll Call: Cutaiar-yes; Kramer-yes; Devine-yes; McDaniel-yes. **Motion passed. ACTION ITEM**

With this motion to deny entering into any agreements with TLF and KCEMSS, there was no other motions needed regarding this matter. No Ordinance was voted on or passed.

ANNOUNCEMENTS: City Council- Devine- wanted to say something regarding the Athol Crossings road, next to Sweet Lou’s, the parking is still messy. She’s seeing trailers and everyone starting to park along there, it’s just not wide enough. She’s aware the employees are parking off road now, can’t we do anything about it. She was reminded that it is not a city road. **McDaniel** – 1) Any ordinances on dog poo? Shouldn’t dog owners be picking it up when they walk their dog? Staff said they would investigate. 2) Still wants to see if we can get a meeting with ITD and the BNSF Railroad. - Staff is still trying to make that happen. / **Mayor** - 1) Who gives the railroad the right to do work giving them more access, why don’t they have to get permits? There was a brief discussion on who’s right of way it is, trains idling, quite zones etc. and staff said they would investigate it. 2) The new truck you ordered is cancelling the 2022 and we must get a 2023 now, which is going to cost a little bit more. It will be on the next agenda as an action item for council to approve. / **Staff - Lori** – 1) Tallent Road Easement-just a brief conversation to update where we are at with it. 2) Menser Sidewalk- Keller did agree to do the work for the lesser amount with two caveats. 3) Circus – Recapped best one yet. Just under 600 people at each show. The ABC Food Bank received just under \$4,000. And we will need to mitigate and potential fire district concerns if we have future shows. 4) Still needing a budget workshop date, she will email possible dates. 5) Next Athol Daze meeting is July 12th at 1:00pm. **Kramer**- Reminder of the Northern Meadows Neighborhood meeting with Colten Acres on Tuesday, June 28, 2022 at 6:30pm.

PUBLIC COMMENTS- Kim Garrett (30750 N Alice Ct.) – Is the meeting on Tuesday only the current or for future phases? It was clarified for her they are open to discussing future phases, not the current 25 homes.

ADJOURNMENT at 8:05pm

ATTEST:

Bill Hill, Mayor

Lori Yarbrough, City Clerk/Treasurer

Approved at Council on 7/19/22