



Approved Minutes

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, March 7, 2023

6:00pm Regular Council Meeting

Code Amendment Workshop

5:00P.M.

Rand, Lori, the Mayor, and the full council had a brief review of the proposed subdivision code amendments. There were various discussions surrounding making sure the proposed amendments were acceptable to the council, so it was fresh in their minds for the public hearing.

NO ACTION ITEMS

Mayor Hill called the meeting to order at 6:01 P.M.

ROLL CALL: Present: Councilwoman Devine; Councilman McDaniel; Councilwoman Kramer; Councilman Cutaiar, Clerk/Treasurer-Lori Yarbrough; Zach Jones, Attorney and Rand Wichman, City Planner. Not Present: Public Works-Kevin Foster.

REPORTS:

TREASURY REPORT - Lori submitted a report for January and February, although she got a bit ahead of herself and February bank statements have not yet been balanced. She will provide an amended February report at the next meeting. She also presented the 1st Quarter Financial Statement and shared it is available on the city website. Lori then read aloud the ending bank account balances as of the end of January 2023. Checking was \$97,715.52; Savings/MM was \$428,825.85; and LGIP was \$1,202,548.84. She also shared that the interest rate for the LGIP account has gotten better. It's now 4.31%.

WATER REPORT- Lori submitted report written report for both January and February. She read the totals aloud. January usage was at 7,543,816 gallons and coin haulers were 215,100 gallons. Coin Haulers money deposited in January was \$1,075.50. Metered water billed was \$20,592 and overage billed was \$32.00. Late fees were \$510.00. February usage was at 6,971,883 gallons and coin haulers were 196,740 gallons. Coin Haulers money deposited in February was \$983.70. Metered water billed was \$20,592 and overage billed was \$8.00. Late fees were \$555.00. Councilman McDaniel did ask about the higher usage and if we know what that might be, and if Kevin is watching that. Lori didn't have an answer to better explain but knows he was looking at this and that he is also beginning to add a notes section to his spreadsheet to better track those times when we are aware of an issue or leak. Councilman McDaniel said he would talk more with Kevin on this as he wants to be sure it is getting recorded correctly and we will notice if or when there are leaks.

PUBLIC WORKS REPORT – Kevin submitted a written report for February but was away at a Water Conference in Boise this week. There were no other questions or comments.

PLANNER REPORT – Rand submitted a written report and verbally reviewed it as follows: He is still expecting a subdivision application from Colton Acres here before the end of the month, but so far only partial attempts of applications. Nothing to report on Pastime/Freemont Street or the 2nd Street Road

***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.*

Improvements. Been working with the Luxury Garage Condos regarding the installation of the new water main, the condo plat and dedication, as well as the building location permits for the project. Just waiting on some landscaping issues to get worked out. He expects the condo plat will be ready for council review and approval at the next meeting or early April. The Code Amendments are on tonight's agenda for a public hearing and possible adoption. The updates to the map on the city's boundary, ACI, zoning map and address maps are done. Lori and Rand are working through the updates for the DE map. This is more complicated than the others but should finish with it here in the month. Finally, he has been working with the property owners for a conditional use permit for a daycare at 5960/5990 E Menser. They are working on a trip generation letter and site plan. The council may see this application in either May or June.

ACTION ITEMS:

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

Motion by Kramer, 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 McDaniel, that we approve paying the February/March bills as submitted with no amendments. ***DISCUSSION** Lori did a brief review of a few of the items that the council might not have been as familiar with. All in favor-none opposed. **Motion passed. ACTION ITEM**

3) DISCUSSION/APPROVAL for the Annual Renewal for the Back-Up Water Operator Agreement. No changes. Staff requests renewal for one more year. Motion by Devine, to approve the annual renewal of the Back-Up Water Agreement with no changes. ***DISCUSSION Roll Call:** Kramer-yes; McDaniel-yes; Cutaiar-yes; Devine-yes; **Motion passed. ACTION ITEM**

4) DISCUSSION/APPROVAL of the 6th Street Shop Office – Council received a copy of the lowest bid received and staff need to know whether the council wants to move forward with this project. Because of the amount of the bid being higher than the rest of the USDA-RD grant funds available, the difference would need to come from other city funds or wait to do the project another time. If they choose to not do the project now, what do they want to do with the remaining grant funds? The only other options staff has come up with that USDA will allow have been more water meters and an ice break on the cemetery tank, but those will not use up the approximate \$50,000.00 remaining. After a short discussion the following motion was made: Motion by McDaniel to approve doing the office in the 6th Street Shop using the USDA remaining grant funds and some city funds needed to cover the difference. ***DISCUSSION- Roll Call:** McDaniel-yes; Cutaiar-yes; Devine-yes; Kramer-yes. **Motion passed. ACTION ITEM**

PUBLIC HEARING: Code Amendments to improve the standards and required findings for subdivisions and other miscellaneous amendments. Ordinance #442. The Mayor opened the public hearing at 6:27pm to take public comment on the proposed ordinance amendments.

The Mayor asked the City Planner, Rand, to give a brief overview of the proposed ordinance changes.

Rand briefly explained the various changes being proposed. Changes are related to prohibiting parking within public rights-of-way; adding a new requirement for portable restrooms on construction sites; revising the definition of fence; adding minimum requirements for single family dwellings; revising definitions, repealing sections, and adding new sections in Title 9 Subdivisions, such as: Condominium plats, general requirements and procedures, design and maintenance standards, and other miscellaneous provisions. In addition to these code amendments, we thought it would be helpful to better identify some road and street standards.

The Mayor then asked if anyone wanted to give a public comment, to please speak loud and clear because it is being recorded and state your name and address. Three Individuals stood and gave comments. They were:

- 1) **Mary Zichko (30150 N 3rd Street)** First asked if the no parking in the right of way will be for winter only or year-round? She shared her concerns for some people just not having any other place to park, especially when there are snow berms in the driveway. She feels the city should just work on nuisances and allow for those people who have lived here to park in the street when needed. She does it because she can't shovel the snow, but she doesn't want to get a ticket. Feels it should be allowed if it's not offensive.
- 2) **Mike Cutler (5727 E Grove Street)** Wants to know who defines where the right of way is, as most streets in the city are not correct. Grove for example sits on the north side, half of the streets in town are not in the right of way. Will the city be surveying all of them?
- 3) **Tammy Porter (30025 N Davis Lane)** Believes Menser Avenue is 10 or 15 feet south of where it should be, it's not where it's supposed to be. She wonders if maybe the city should allow for a 2-hour minimum for parking.

The City Attorney, Zach Jones stood a few times throughout to encourage comments to be one at a time and explain this is the public's time to share their concerns or ask questions, but not the time for the city council or mayor to respond. That will be after the public comments are made and the hearing is closed. The council may respond, if they choose, during council deliberations.

Councilman McDaniel – added in a few comments related to it not being the city's desire to police everyone who parks in the street; it will be more for those nuisances' locations where they are parking regularly and partially blocking intersections and roadways. He feels that 99% of the people won't be affected by this. It is a tool for the city to do something about those who are habitually blocking the streets. Our city streets are not made wide enough to allow for parking on the street. If someone gets notice of this violation and they believe it is not warranted, they can follow the appeal process like any other violation.

The Mayor closed the public hearing at 6:45pm. The Mayor directed the City Council to begin their deliberations, ask questions, and make a motion if they choose to. Rand asked if any council had any additional questions they wanted to ask or concerns they have.

Councilwoman Devine – asked a few more questions related to condo platting on page 21. She wants to understand it better. (9-6-1) Rand provided her an explanation that met her satisfaction, summing it is basically giving the city a process to manage its own rules regarding condos instead of relying on what the state offers.

Councilwoman Kramer – asked if Street Lights, are in the code? Rand said it's not in the code, but the city could add it, or even add it to the resolution as part of the street standards documents for stillman to do. She asked if the developer or the builder puts them in, who defines the design or distance between them? Rand shared that streetlights can be controversial. Currently the code does not require them. A developer can choose to add them if they want. She then requested to add language to the code that if lights are proposed, then the city will mandate they are downward directed and shielded. This would be to help minimize glare. After a brief conversation on the matter, and no other questions Councilwoman Kramer was ready to make a motion.

City Clerk, Lori – asked the Attorney a question regarding comments made about thinking the city will need to do a survey to enforce no parking in the right of way. Attorney said no he does not believe it is necessary for the city to enforce. It would help, but it is not necessary.

5) DISCUSSION/APPROVAL to Suspend the reading of the rules for Ordinance #442 a Code Amendment to improve the standards and required findings for subdivisions and other miscellaneous amendments. – Motion by Kramer, to approve Suspending the reading of the rules for ORD 442 and read by title only, on its first and only read. * DISCUSSION - Roll Call Vote: Cutaiar-yes; Devine-yes; Kramer-yes; McDaniel-yes. Motion passed. ACTION ITEM

Mayor then read Ordinance #442 by Title: AN ORDINANCE OF THE CITY OF ATHOL, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ATHOL CITY CODE BY AMENDING TITLE 6, CHAPTER 6, SECTION 6-6-3 TO PROHIBIT PARKING WITHIN PUBLIC RIGHTS OF WAY; AMENDING TITLE 7, CHAPTER 1 TO ADD A NEW REQUIREMENT FOR A PORTABLE RESTROOM ON CONSTRUCTION SITES; AMENDING TITLE 8, CHAPTER 1, SECTION 8-1-4 TO REVISE THE DEFINITION OF FENCE; AMENDING TITLE 8, CHAPTER 8, SECTION 8-8A-2 TO ADD MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS; AMENDING TITLE 9, CHAPTER 1 TO REVISE DEFINITIONS AND REPEAL SECTIONS 9-1-2 THROUGH 9-1-6; REPEALING TITLE 9, CHAPTER 3; AMENDING TITLE 9 TO ADD A NEW CHAPTER 4 TITLED APPLICABILITY, EXEMPT DIVISIONS AND LOT CONSOLIDATION; AMENDING TITLE 9 TO ADD A NEW CHAPTER 5 TITLED SUBDIVISIONS, GENERAL REQUIREMENTS AND PROCEDURES; AMENDING TITLE 9 TO ADD A NEW CHAPTER 6 TITLED CONDOMINIUM PLATS; AMENDING TITLE 9 TO ADD A NEW CHAPTER 7 TITLED DESIGN AND MAINTENANCE STANDARDS; AND AMENDING TITLE 9 TO ADD A NEW CHAPTER 8 TITLED MISCELLANEOUS PROVISIONS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

6) DISCUSSION/APPROVAL to Adopt Ordinance #442 Code Amendments to improve the standards and required findings for subdivisions and other miscellaneous amendments. – The council didn't have any more discussion and the following motion was made: Motion by Kramer, to approve ORD #442 which improves the standards and required findings for subdivisions and other miscellaneous amendments with the 2 changes (the first in reference to 9-7-5 E - adding the city may also require some improvements of park lands, and directing staff to add language in the design standards chapter that if developer adds street lights they would be required to be downward directed and shielded). These changes and amendments are in accordance with the comprehensive plan analysis presented in the staff report; and finding the 3 conclusions of law are 1) The proposed amendments are reasonably necessary and in the public interest. 2) The proposed amendments are in general conformance with the Goals and Policies of the Comprehensive Plan and 3) The proposed amendments will not adversely impact the delivery of service by the city or other political subdivision, including schools; and then to authorize the Mayor's signature and direct staff to publish by summary only. * DISCUSSION - Roll Call Vote: Devine-yes; Kramer-yes; McDaniel-yes; Cutaiar-yes Motion passed. ACTION ITEM

DISCUSSION ITEM:

Lori reminded the council that they received the updated copy of the STREET/ROAD STANDARDS and CONSTRUCTION SPECS that are being proposed to be adopted by Resolution at the next council meeting. So, review the document and let Rand or her know if you have any questions or wait until the next meeting, but staff believes it's ready for adoption.

Before going into Executive Session, Mayor Hill, wanted to acknowledge that for those citizens present today, your voices were heard. He knows you may come to council meetings, and you leave feeling like why did I bother coming today. But he wants to say it does change how we respond even if it doesn't change the code. At the workshop earlier the council went through these same feelings and they had some of the same questions and concerns.

EXECUTIVE SESSION: **Idaho Code 74-206(1)(b)** “to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.” -Annual employee reviews. **ACTION ITEM**

MOTION by Devine, to go into executive session under Idaho Code 74-206(1)(b) “to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.” All in favor. **Passed.**

NOTE: Annual employee merit review is for all 3 employees.

EXECUTIVE SESSION Began at 7:16pm and Ended at 7:43pm

ACTION ITEMS CONTINUED:

7) **DISCUSSION/APPROVAL of Annual/Merit Increases for all 3 City Employees, Lori Yarbrough, Kevin Foster, and Tanya Ziegler.** Motion by Devine, to approve the annual increase of 5% for Lori Yarbrough, 5% for Kevin Foster and 5% for Tanya Ziegler; and there will not be COLA increases; and is effective the pay period beginning March 1st, 2023 and will be retroactive back to such date. *DISCUSSION- *this is based upon the previously determined pay scale chart and discussion today.* **Roll Call:** Devine-yes; McDaniel-yes; Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

ANNOUNCEMENTS: City Council- Councilwoman Devine asked 2 questions. 1st was regarding the payment of the 2022 City Christmas Party. 2nd she heard a citizen concern about the amount of snow around a fire hydrant. They were feeling like it was plowed in. Councilman McDaniel shared that when plowing, the city always does the best it can to clear or not put as much snow near them and have even tried to go back and clear some away when time allows; but it is up to the property owners to keep it cleared out the best they can. When we get more snow at once like this year, there is going to be more snow to clear. Councilwoman Kramer -asked if there is anything we can do about truck speeds in the new construction area of Northern Meadows? Can we post a truck speed at say 15 miles per hour? The council liked the idea of doing that. The attorney wanted to double check and get back to the staff before we do it. She also remembered that she was thinking Stillman was going to get a few alternate options regarding the clear view angle for corner lot homes, and she hasn't seen anything yet. Staff will do some checking on this also and try and get something from Stillman and out to the council before the next meeting. / **Mayor-nothing.** / **Staff** Lori- 1) Working on the annual Farmers Market Agreement, making a few changes and she wanted to run down a few of those changes with the council before it comes to them for approval. Changes are related to market hours, signage, and food trucks in the park during market times.

ADJOURNMENT at 8:13pm

ATTEST:



Lori Yarbrough, City Clerk/Treasurer



Bill Hill, Mayor

Approved at Council on 3/21/23