



Approved Minutes

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, May 16, 2023

6:00pm Regular Council Meeting

FY2024 Budget Workshop

5:00P.M.

Lori started the conversation out by first reviewing the following:

Current Fiscal Year's Budget to Date – There was no real review, but rather a reference for the council to look back to if needed. Next Lori began going line by line in the draft FY2024 budget that had been estimated by staff. Intermittently, they reviewed various possible projects from the draft list staff has kept. This is a list of potential projects, both short term and long term in nature and the council provided some feedback to staff as to which projects were higher on the lists, but no real hard decision were made as it's too early in the process. Overall, Lori shared that staff doesn't have much for large projects planned as we have just finished both a large water project and now in the middle of doing some street projects, and we need to build those savings up again. No date was set yet for when the next workshop will be.

Mayor Hill called the meeting to order at 6:04 P.M.

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

REPORTS:

TREASURY REPORT - Lori submitted the April 2023 report. The ending Checking account balance was \$67,848.32; the ending Savings/Money Market account was \$279,798.39; and the ending LGIP account balance was \$1,269,692.90. She did two more balance transfers from the Money Market/Savings account to the Checking account in the amounts of \$50,000.00 on 4/4/23 and \$40,000.00 on 4/18/23.

PLANNER REPORT – Rand shared a brief of his written report, first mentioning the Colton Acres Subdivision – They appear to still be working on getting their application into compliance with the new subdivision requirements Council recently passed; Rand expects to see the application for the next phase of this development in the next month or two. Pastime/Fremont (Hester Development) – Hester's engineer has inquired about inspection requirements for this project. He expects they will be starting on the road development project soon. Luxury Garage Condos - after last month's discussion of the landscaping plan with the City Council, they were able to work out an acceptable solution. The building permits for the project have incorporated the new design and the permits have been issued. Road Improvements on 2nd Street (Levi Thomason) - continuing to work on the warranty bond for the road and water improvements. Good Hope Baptist has applied for a conditional use permit to establish a new church on 4 residential lots at the newly constructed portion of 2nd street. The public hearing is on the Council agenda for tonight. Dippolito Conditional Use Permit application has been received and was sent out to public agencies for review and comment. This is for a daycare at 5690 E Menser. Might be ready for a public hearing at the meeting in June. The code amendments for the Sewage Management Plan

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 8 hours in advance of the meeting date and time.

(SMP) regarding the management of the city's septic systems are complete. There is a public hearing on the agenda tonight.

ACTION ITEMS:

1) APPROVAL OF THE May 2nd REGULAR MEETING MINUTES:

Motion by Devine, that we approve the last regular meeting minutes on the 2nd, without amendments.

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

2) APPROVAL OF THE May 10th SPECIAL MEETING MINUTES:

Motion by Devine, that we approve the special meeting minutes on the 10th, 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 May/June bills as submitted without amendments. *DISCUSSION- Lori ran through the bill list, explaining any uncommon bills. There was a brief discussion regarding a payment for Mel Bertsch to repair his fence after the winter snow plowing. Council had no other questions. All in favor- none opposed. **Motion passed. ACTION ITEM**

4) DISCUSSION/APPROVAL for a New Alcohol License for the County Boy Café for Beer & Wine. Lori shared that this request is by Leland & Heather Henderson. They would like to begin selling beer and wine onsite, as they are going to be open for dinner hours now. *DISCUSSION – No questions from the council; the following motion was made: **Motion by Kramer to approve the new alcohol license for Country Boy Café for beer and wine onsite.** Roll Call Vote: McDaniel-yes; Devine-yes; Kramer-yes; **Motion Passed. ACTION ITEM**

2 Public Hearings tonight:

1st PUBLIC HEARING: Regarding the Application for the Conditional Use Permit by Aaron Mead, on behalf of Good Hope Baptist Church - Located on the newly developed 2nd Street, just off Menser Avenue. They are asking for commercial use of a church in a residential zone.

The Mayor opened the public hearing at 6:15pm to take public comment on the proposed Conditional Use Permit. He spoke briefly about the process of how the public hearing will proceed. He asked all those wishing to give public comments to be sure to speak loud and clear because it is being recorded. He reminded that those people wishing to speak tonight will need to complete the yellow half sheets of paper on the table. He then first invited the City Planner, Rand Wichman, to introduce the application. **Rand, City Planner**, gave a little overview, before the applicant spoke. The location of the request is in the newly constructed 2nd street area south of Menser. The request is to build a 3400 square foot facility in phase one, and 1800 square foot in phase two expanding the building later to include a kitchen. Rand briefly shared some of the matters regarding parking, and landscaping they have been discussing, which is what his recommended conditions of approval will cover. Next, **the Applicant, Aaron Mead** stood to speak. He didn't have much more to add but wanted to clarify that regarding the parking variance for the set-back, the edge of asphalt is 17 feet from the property line, so it would still be 22 feet from the asphalt to the parking, with this variance there would still be landscaping in between. It wouldn't appear to have none. The other issue was related to the lot coverage, they are attempting to purchase the neighboring lot to help correct this. That one lot in the middle, owned by IDOL is creating the problem of meeting the minimum lot coverage requirements. Lot coverage for residential use is 50%, but in a commercial lot it is 80%, the request is to allow for the non-residential. But with commercial use also comes parking lot requirements, that is where we are a bit short without this lot in the middle. He hopes to buy that piece and is working towards doing so, its just without it they can't meet the 50% coverage that is required. Allowing this variance helps them get started and if they can get the other lot, it is no longer a problem. Asking for commercial type use, doesn't believe they are commercial, they are a house of worship.

Council Kramer- 1) asked about the size of the building versus the 18 parking spaces available? Aaron Mead replied that it is more than what the city requires, which was only 12 spaces. They have no intention of being a large church. 2) Are there plans for events happening daily or in the evenings? Aaron- replied no intention to rent out the facility. They will use Wednesdays and Sundays; this is not a general use facility he shared. 3) What if they can't meet a lot coverage? Rand shared they would have a few other options or solutions available to them in phase 2. 4) How many parking spaces do you currently use, meaning it doesn't appear you are planning to expand and that really is her main concern, the parking. Aaron – there are other lots they own to the north that are not part of this application they can use, but don't plan for any significant growth. **Councilwoman Devine** – 1) You want to do this use here because it best fits your needs, but this use location will add more traffic to the residential use. Aaron added there are no other houses on 2nd street in the block they are mentioning, and they could use Hill and Menser. Rand also shared some quick numbers of residential use trip generation numbers verses this use and there was not a significant difference in number of trips. (The county sums each home of 9.5 per residence per day trips a day x 4 lots would result in almost 40 trips each day vs. as proposed their use never gets to 40 cars per day even at peak times) Rand said he did not require a trip generation letter based upon these numbers. Then the Mayor began taking public comment: **First those "For" - there were 9 comment cards received; they are as follows:** David Bayer 32911 N 16th Ave Spirit Lake, no written comment; Cheri Page 32911 N 16th Ave. Spirit Lake, no written comment; Kody Hongslo 11930 E Whitetail Dr., no written comment; Katie Hongslo 11930 E Whitetail Dr., no written comment; Jack Mead 8501 E Parks Rd., wrote: "I believe the church will be a perfect fit for Athol."; Gary P Vanesch 614 E Walnut CDA., no written comment; Aaron Mead 303 Dylan Rd Spirit Lake, wrote, " he's available for questions, only if necessary, thanks." Keri Mead 303 Dylan Rd. Spirit Lake, no written comment; Justin Zimmerman 318 Dylan Rd Spirit Lake, no written comment. None of them wanted to speak. **There was 1 Neutral comment.** Lisa Bennett 5929 E Grove, no written comment, doesn't want to speak. Finally, **there were 4 that were Opposed.** Mary Zichko 30150 N 3rd wrote: We have not let churches and businesses in residential areas, and we should not now or ever. Residential area will want them then what will happen then? And all neighbors can have a say around them before ever being approved like it always been." Her speaking testimony all supported her written comments as just listed. Barry Johns 5965 E Menser Ave., wrote, "1) we need to protect residential zoning 2) we need to consider the ever-increasing traffic. His testimony followed sharing it should stay residential and churches close and move all the time. And he is very concerned by additional traffic on Menser. He also wonders if this will set a precedent to begin allowing commercial use in the residential zone? Grant Jenkins 5777 E Menser Ave., no written comment, doesn't want to speak; Wyatt Jenkins 30150 N 2nd St. no written comment. He spoke sharing his feelings that there are already enough churches around and likes his son to play in the street. He would rather see a family there so his kids can play with other kids, than a church. **Then Applicant can Rebut.** Aaron – shared this use really isn't a big commercial use, and as already mentioned the traffic is really going to be less. The church family that attends his church are all families and they all have kids playing to. The mayor closed the public hearing at 6:52pm.

The City Planner then told the Council they can begin their deliberations, and it might be best for each council member to share their questions, comments or concerns regarding the application. Then if the Council is ready to decide, then be sure to address the conclusions of law and if there are any conditions necessary. Councilman McDaniel – its big that all the residents of those who live in this area all do not want it. Councilwoman Devine – it was supposed to be residential, now they want something else. Rand helped provide some clarity on what the code allows, and its compatibility of use. Councilwoman Kramer- a lot of lots and that whole street with no longer be available for permanent residences verses a commercial use getting bigger and bigger. Hill street is also a concern of hers, and costs to finish

developing it. Kramer would just like to see it stay residential. No further deliberations. The following conclusions of law and motions were made.

5) DISCUSSION/DECISION for the Application for Conditional Use by Aaron Mead for Commercial Use in a Residential Zone. Councilman McDaniel made the following Findings:

Councilman McDaniel stated the following: PROPOSED CONCLUSIONS OF LAW

- 6.01 The proposed use **WILL NOT** be consistent with the various elements and policies of the comprehensive plan.
- 6.02 The use and its associated structures and facilities **WILL NOT** be detrimental to the public health or safety, the general welfare, or the environment.
- 6.03 The use and facilities **WILL** adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. It is residential all around it.
- 6.04 Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures **ARE NOT OR WON'T BE** provided for the proposed use. This application needs a lot of variances or conditions to meet the requirements.
- 6.05 The requested waiver of the setback requirement for parking spaces **IS NOT NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY.**

Motion by Devine: Based on the aforementioned facts and Conclusions of Law, CUP23-02, by Aaron Mead, on behalf of the Good Hope Baptist Church for conditional use permit approval of a church in the Residential zone is hereby DENIED. *DISCUSSION Roll Call Vote: Devine-yes; Kramer-yes; McDaniel-yes. **Motion Passed. ACTION ITEM**

2nd PUBLIC HEARING: Regarding the Code Amendment for the Sewage Management Plan

The Mayor opened the public hearing at 7:01pm to take public comment on the proposed Code Amendment. The Mayor asked anyone wishing to give public comment to come up to the podium and be sure to speak loud and clear because it is being recorded.

6) DISCUSSION on the Proposed Ordinance #443. The Mayor first asked the City Planner, Rand Wichman, to introduce the Ordinance. Rand shared these amendments to the Sewage Management Plan are primarily language clarifications and adding a couple additional pieces. He mentions section A2) – adds the definition of what a DE is. A7) adopts the practice that upon annexation the city will continue to use the 1 per 5-acre rule for allocation of DE's. It also has some language regarding clustering DE's. A8) upon a connection to a municipal type of system, the DE becomes extinguished and removed from the city's total allotment. A9) adds language regarding when lots consolidate, that it may free up DEs for the city to reallocate. **Next the Mayor asked for public comment: Tammy Porter (30025 N Davis)** Wanted to share her agreement with Councilwoman Kramer's comments on allowing clusters, verses it needing to go to council. She doesn't want to throw away our control of growth. **Mary Zichko (30150 N 3rd)** Had two comments/questions: First, she asked if her 2 lots stay that way with two DE's or will she lose them? She was told nothing changes for her unless or until she consolidates those lots. **Lisa Bennett (5929 E Grove)** Where is the new wastewater being proposed by Colton Acres going? Rand identified on the map that it was near the northeastern part of the big parcel. Hearing no more comments, the Mayor closed the hearing at 7:34pm, and said Council may deliberate.

Motion by Devine to place proposed ORDINANCE #443 for the Sewage

Management Plan, on its first and only reading by title only while under suspension of the rules.

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

Mayor Hill then read Ordinance by Summary: AN ORDINANCE OF THE CITY OF ATHOL, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ATHOL CITY CODE BY AMENDING TITLE 3, CHAPTER 2, SECTION 3-2-2 TO CLARIFY LANGUAGE, AMENDING TITLE 3, CHAPTER 2, SECTION 3-2-4 TO ADD PROVISIONS FOR MANAGING DWELLING EQUIVALENTS (DE'S) WITHIN THE CITY; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Motion by Devine, to approve the amendment to the Sewage Management Plan ORD#443 while under suspension of the reading of the rules and direct the City Clerk to publish by summary only.

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

7) **DISCUSSION/APPROVAL for possible Engineering Services for the Construction of AJ Homes Avenue off Pastime Street.** Lori started the discussion, of how we have seen a value in having the engineers available to help manage our various projects, this is the same. Stillman put together a cost at 24% management. Council began discussing costs and what is available and how much Kevin can manage, council seemed to prefer to use Keller on as needed basis and the following motion was made: Motion by Kramer, to deny using Keller Associates for 25% time on the Construction of AJ Homes Avenue but allow for on-call help. *DISCUSSION Roll Call: McDaniel-yes; Devine-yes; Kramer-yes; Motion passed. **ACTION ITEM**

8) **DISCUSSION/APPROVAL for Manhole and Miscellaneous Street Repairs.** Kevin lead the discussion. He shared the various locations as being Davis Ln & Hwy 54 around the RRFB's; Patch around 9 manholes in Northern Meadows; and Patch on the northeast corner of the Bike Path at Old Hwy 95 and Hwy 54. The Council asked if there was money in the budget. Clerk replied yes, this is considered regular annual maintenance. Kevin also mentioned there may be a few more spots for some annual maintenance but that would be done with the new durapatcher. With no further questions the Council made the following motion: Motion by McDaniel to approve the street repairs just discussed, not to exceed \$6,500.00. *DISCUSSION- Roll Call: McDaniel-yes; Devine-yes; Kramer-yes. Motion passed. **ACTION ITEM**

9) **DISCUSSION/ACTION regarding possible upgrade to the Commercial Bulk Water Hauling station just ordered.** Kevin shared his concern for the 2-inch sized bulk water hauling station Council approved. Once he began comparing times it would take to fill up water tanks, that are generally about 3,000 to 4,000 gallons, it would take far too long. He asked for the cost if the city were to upsize to a 3-inch instead. That is \$12,000 more. He shared that really a 4-inch would be the most comparable to a hydrant but that that large of a size would also begin to have other issues. His recommendation to the Council was to upsize to the 3-inch for the \$12,000 more. Lori shared the average annual income from the commercial bulk water haulers and stated it could begin to pay for itself in 7 to 10 years. After a brief conversation, the Council made the following motion: Motion by McDaniel, to upgrade to 3-inch, for the bulk water hauling station. *DISCUSSION Options were: Upsizing to a 3" will cost \$12,000 more, to a 4" will cost \$28,000 more, or stay at the 2" already agreed upon. – Roll Call: Devine-yes; Kramer-yes; McDaniel-yes. Motion passed. **ACTION ITEM**

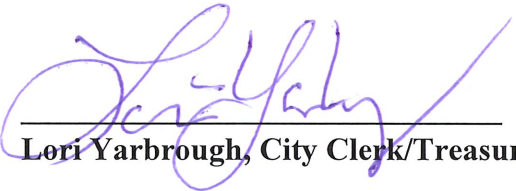
ANNOUNCEMENTS: Councilwoman Devine – asked about why the water being done on Levi's property on Hwy 95 is Aaron Mead's problem. She felt that should be on Levi to do. **Councilwoman**

Kramer – asked about the new sidewalk. She thought there was a small puddle area near the end on 3rd Street. Kevin said he would take a look. / **Mayor**-none / **Staff – Lori** 1) Movie in the Park tentatively set for Friday July 21st, instead of a Saturday. She thinks Super 1 may be willing to sponsor it. 2) Sidewalk Ribbon Cutting set for Thursday June 1st at 3:20pm. Invitations went out via email. **Kevin** 1) Gym Floors are done; they look great. 2) Hydrant Locks- they are in, so now only the hydrant near the Kootenai Electric/Northern Lights substation can be used for commercial bulk water haulers. 3) 6th Street Shop Office is underway. Septic tank is in and walls are going up.

PUBLIC COMMENTS – Lisa Bennett (city resident) wanted to report that she and her 10-year-old granddaughter use the sidewalks and flashing crosswalks, and it is nice to have. But she has noticed, if her granddaughter is standing at the flashing crosswalk on Hwy 54, traffic doesn't seem to stop unless she steps up closer to the road area. **Kim Garrett** (city resident) wanted to share her support for Councilwoman Jeanette's request that the construction workers building the houses on north Alice Court should use the emergency access road. She feels that between the local landscaping business on the corner, the vet's office, and the construction of those houses, there is so much more traffic and it's just a lot going on.

ADJOURNMENT at 8:44pm

ATTEST:



Lori Yarbrough, City Clerk/Treasurer



Bill Hill, Mayor

Approved at Council on 6/20/23