

Approved Minutes

## Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

**Tuesday, October 18, 2022**  
**6:00pm Regular Council Meeting**

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. Not Present: Jason Wing/Zach Jones, Attorney; and Rand Wichman, City Planner.

### REPORTS:

**TREASURY REPORT** - Lori submitted the September report and she read aloud the ending bank account balances as of the end of September 2022. Checking was \$72,120.51; Savings/MM was \$627,716.36; and LGIP was \$1,077,621.65. The rates have been slowly going up again.

**WATER REPORT**- Lori submitted September written report and read the totals aloud. September usage was at 7,923,220 gallons and coin haulers were 372,300 gallons. Coin Haulers money deposited in September was \$1,420.50, and bulk water payments received was \$609.00. Metered water billed was \$21,512. \$6,332.00 of that was overage, and late fees were \$400.00. This month, she forgot to look just before the meeting but thinks it was about normal, with 40 accounts with the late fee and approximately 5 or 6 or so accounts getting shut-off letters. The report noted, as a reminder, that new city water rates will be approved tonight and will be effective the November 2022 billing.

**PUBLIC WORKS REPORT** – Kevin submitted written report, no questions for him.

**PLANNER REPORT** – Rand submitted a written report but was not present.

### ACTION ITEMS:

#### 1) APPROVAL OF THE September 20<sup>th</sup> REGULAR MEETING MINUTES:

Motion by McDaniel, that we approve the last regular meeting minutes for the 20<sup>th</sup>, without amendments.

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

2) APPROVAL OF BILLS AS SUBMITTED: Motion by Cutaiar, that we approve paying the September/October bills as submitted. \*DISCUSSION Lori shared the status of a few bills and wanted to point out the Steve Luke Cutaiar bill is for the furnace repairs and is not the Councilman Cutaiar, rather it was his son. - All in favor-none opposed. **Motion passed. ACTION ITEM**

### PUBLIC HEARING: -On Proposed City Fee Resolution 2023-02

The City Clerk, Lori, asked to address the Council before public testimony. She wanted to share that it was brought to her attention that some of the proposed fee changes regarding the commercial rates may not be the best choice or fair when compared to residential changes. She reevaluated the rate structure and that is why she provided the council with the spreadsheet in their packet to explain. She reviewed the

*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.*



spread sheet with the council and the council seemed to agree that the commercial rates were not seeing the same increases as residential. The question really came down to whether the council wants to go with a similar percentage of increase, which assumes all classes started in the correct placement or if they wanted all classes to pay the same rate per 1000 gallons of water. The council briefly discussed this, and they collectively agreed to go with making them all pay the same rate per 1000 gallons of water this time. This affected the two commercial class rates, making them a bit higher (Commercial Low now \$90.00 and High \$180.00), but keeping the residential rate as posted at the \$54.00.

The Mayor opened the public hearing at 6:10pm to take and consider public comment on the adoption of City Fee Resolution 2023-02, regarding the institution of new or increased municipal water fees etc. The Mayor then asked if there was anyone wishing to speak at this hearing for the increase of water rates.

**Public testimony:** 1) David “Rudy” Rudebaugh- owner of Victory Auto in Athol – asked the council to consider adding back in multiple levels of commercial rates as his business is small with only two employees and feels uses very little water compared to other local businesses and feels increasing the rates this high will hurt his and other local small businesses. The Mayor asked if anyone else wanted to come forward and make any comments. Hearing none, he closed the public hearing at 6:14pm.

### **ACTION ITEMS Continued:**

**3) DISCUSSION/ADOPTION of City Fee Resolution 2023-02 an update of the City Fee Schedule - Motion by McDaniel, to adopt the Fee Resolution with the changes to Commercial Low and High as just discussed, and to be effective the November 2022 billing.** \*DISCUSSION The Commercial Low rate will become \$90.00, and the Commercial High will become \$180.00; while the Residential rate goes to \$54.00. Council recapped they felt it important that residential and commercial pay the same amount per 1000 gallons. **Roll Call:** McDaniel-yes; Devine-yes; Cutaiar-yes; Kramer yes. **Motion passed. ACTION ITEM**

### **PUBLIC HEARING To consider public comment on Impact Fees Ordinance #439.**

The Mayor opened the public hearing at: 6:20pm and stated this a public hearing so please speak loud and clear- it is being recorded. We are going to first hear from the Timberlake Fire District, then we will open it up for any of the public that wishes to speak. Commissioner David ‘Rudy’ Rudebaugh then introduced himself and thanked the city council for allowing this second chance for consideration of collecting Impact Fees for the Fire District. He briefly explained why the Fire District is here asking for the Inter-Agency Agreement to collect fees on their behalf, as well as the passing of the City Ordinance. He talked a bit about the only liability on the city being related to the collection of fees at the time the building permit is taken, and that the Fire District is responsible for the rest. He addressed some past concerns he had heard from the Mayor and Council on why they had previously denied the Inter-Agency agreements and Impact Fee Ordinance. One concern he addressed was the cost to current homeowners in the city and how it may affect their property taxes. He briefly ran through a couple variations of prices going up both with an Impact fee, and then with it going through as a levy, sharing that ultimately current homeowners would see a higher dollar impact via the levy verses the impact fee route. He shared their biggest concern is the 70% growth projection over the next 10 years that the fire district is projected to see verses the normal 30-40% that everyone else is looking at. Surrounding cities don’t have the room for growth like Athol does. This is the mechanism that the legislature has lined out and is why they are before the city council asking for the city to collect the impact fees on their behalf. They would like to best prepare to address the growth concerns sooner rather than later. In past elections, the fire district felt the most common comments they got were, “let growth pay for itself”, which is why they are asking for the city’s help now.



The Mayor asked if there was anyone wishing to comment? He asked again. Hearing none he closed the public hearing at 6:30pm. He stated the council may now deliberate on the matter. *Council began their deliberations, a summation is as follows:* Councilwoman Devine asked about the language that addressed rebuilding of homes in the event of a fire, and that if the home was rebuilt any bigger than they would be subject to the impact fees. Commissioner Rudebaugh responded with that area has been updated to reflect that to be an exemption, and there was some language changed related to service units to clarify that by the attorneys. Councilwoman Kramer asked about a new facility location planned to be at. Commissioner Rudebaugh responded that they do not know a specific location yet. Mayor Hill asked if the city benefits in some way from the county already adopting this. Commissioner Rudebaugh agreed that the city represents just under 10% of their Fire District and the county is just over 90%. If the city does not agree to this agreement, the county people will be paying for everyone in the City of Athol as well. Councilman McDaniel was concerned that it's not going to stop at this one agency. He fears we are going to be just like California if we keep going. He's not against police, fire, or anything, but believes the school district is going to come asking next and wonders were its going to stop. Councilwoman Devine stated that the city doesn't have to continue collecting fees if we find it's not working; we can stop at any time. Councilwoman Kramer asked page 11 of the book you provided mentions current capacity; her question do you have capacity for future development already, without the impact fees. Commission Rudebaugh said yes, the capacity today to maintain the current level of service, which does not address the growth anticipated. Attorney Zach Jones- for the recorded wanted to make one point of clarification he noted in the agreement presented to the council, a section has language in there that didn't get updated; 10-5-1(A) or page 14 of 32. Exemption, he meant to strike through the language, but it got missed in this version. So, when or if you make a motion, you need to include that error in copy. The council was pretty much done discussing and then the following motion was made:

**4) DISCUSSION/APPROVAL/AMEND/DENY Ordinance #439 Adding Title 10 Intergovernmental Agreement Development Impact Fees. Motion by McDaniel, to place proposed ORDINANCE #439 which is the Addition Title 10, Intergovernmental Agreement Development Impact Fees, on its first and only reading by title only while under suspension of the rules. \*DISCUSSION Roll Call: Devine-yes; Cutaiar-yes; Kramer-yes; McDaniel-yes. Motion passed. ACTION ITEM**

**Mayor then read the proposed ordinance by title: ORD #439-  
AN ORDINANCE OF THE CITY OF ATHOL, KOOTENAI COUNTY, IDAHO,  
AMENDING THE ATHOL CITY CODE BY THE ADDITION THERETO OF A NEW TITLE  
10 PROVIDING FOR:**

- SHORT TITLE, AUTHORITY, APPLICABILITY, FINDINGS, ADVISORY COMMITTEE/CAPITAL IMPROVEMENTS PLAN AND PURPOSE; and
- DEFINITIONS; and
- IMPOSITION OF TIMBERLAKE FIRE PROTECTION DISTRICT AND KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT IMPACT FEES; and
- TIMBERLAKE FIRE PROTECTION DISTRICT AND KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS SERVICE AREA AND IMPOSITION OF DEVELOPMENT IMPACT FEES; and
- COLLECTION OF TIMBERLAKE FIRE PROTECTION DISTRICT AND KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT IMPACT FEES; and
- DEVELOPMENT IMPACT FEES EXEMPTIONS; and
- PROCESS FOR INDIVIDUAL ASSESSMENT; and
- DEVELOPER CREDITS AND REIMBURSEMENTS; and



- METHODOLOGY FOR CALCULATION OF TIMBERLAKE FIRE PROTECTION DISTRICT AND KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT IMPACT FEES; and
- EXTRAORDINARY IMPACTS; and
- FEE PAYER REFUNDS; and
- ESTABLISHMENT OF THE TIMBERLAKE FIRE PROTECTION DISTRICT AND KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT IMPACT FEE CAPITAL PROJECTS TRUST FUND AND TRUST ACCOUNTS; and
- USE AND EXPENDITURE OF TIMBERLAKE FIRE PROTECTION DISTRICT AND KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT IMPACT FEES; and
- APPEALS, PROTEST AND MEDIATION; and
- PERIODIC REVIEWS OF THE CAPITAL IMPROVEMENTS PLANS; and
- ANNUAL AUDITS; and
- JOINT DEVELOPMENT IMPACT FEE ADVISORY STANDING COMMITTEE; and
- ENFORCEMENT AND COLLECTION; and
- THE CITY OF ATHOL/ TIMBERLAKE FIRE PROTECTION DISTRICT INTERGOVERNMENTAL AGREEMENT; and
- THE CITY OF ATHOL/ KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEMS INTERGOVERNMENTAL AGREEMENT; and
- MISCELLANEOUS PROVISIONS; and
- PUNISHMENT FOR VIOLATIONS OF THE ORDINANCE; and
- CONSTRUCTION OF ORDINANCE INTENT; and
- PROVIDING AN EFFECTIVE DATE AND PUBLICATION; and
- DIRECTING THE CITY CLERK.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ATHOL, KOOTENAI COUNTY, IDAHO:**

**Motion by Kramer, to deny Ordinance #439 Adding a New Title 10 Intergovernmental Agreement Development Impact Fees. \*DISCUSSION - Roll Call Vote: Cutaiar-no; Kramer-yes; McDaniel-yes; Devine-no; tie vote. Mayor Hill then voted no and broke the tie. Motion failed. ACTION ITEM**

**Motion by Cutaiar, to approve Ordinance #439 Adding a New Title 10 Intergovernmental Agreement Development Impact Fees and directing the clerk to publish by summary only, with the amendment to section 10-5-1(A) to strike that language previously discussed that was missed. \*DISCUSSION- Roll Call Vote: Cutaiar-yes; Kramer-no; McDaniel-no; Devine-yes; again, tie vote. Mayor Hill then voted yes and broke the tie. Motion passed. ACTION ITEM**

**Motion by Devine, to approve the City of Athol/Timberlake Fire Protection District Intergovernmental Agreement and Joint Powers Agreement for the Collection and Expenditures of Development Impact Fees for Fire District System Improvements. (TFPD) \*DISCUSSION Roll Call: Kramer-no; McDaniel-no; Devine-yes; Cutaiar-yes; tie vote. Mayor Hill then voted yes and broke the tie. Motion passed. ACTION ITEM**

**Motion by Cutaiar, to approve the City of Athol/Kootenai County Emergency Medical Services System Intergovernmental Agreement and Joint Power Agreement for the Collection and**



Expenditures of Development Impact Fees for Kootenai County Emergency Medical Services System Improvements. (KCEMSS) \*DISCUSSION Roll Call: McDaniel-no; Devine-yes; Cutaiar-yes; Kramer-no; tie vote – Mayor Hill then voted yes and broke the tie. Motion passed. ACTION ITEM

Councilwoman Devine asked how the fees are now set, our City Attorney answered that there will still be one more hearing to set the fees, based upon their capital improvement plan of the fire district.

Public Works Water Operator, Kevin then addressed the council regarding the next 3 action items. He shared his desire to get the city grader, loader, and Well Generators onto some sort of maintenance schedule for city equipment. Since it's not clear when and what was last done on the equipment is but moving forward, he will have a list to track those types of things. Then he can do some of the basic annual stuff but at least have a plan for the bigger maintenance things at least every 3 years, and we will be able to better budget for this as well. He got some prices together some have two different options. After a brief discussion the following motions were made:

5) DISCUSSION/APPROVAL for Grader Maintenance and Service – Motion by McDaniel to approve taking the grader to Spaletta Equipment for a full maintenance not to exceed: \$2,200.00. \*DISCUSSION Roll Call: Devine-yes; Cutaiar-yes; Kramer-yes; McDaniel-yes. Motion passed. ACTION ITEM

6) DISCUSSION/APPROVAL for Maintenance of the Loader - Motion by McDaniel to approve the loader maintenance at Spaletta Equipment, not to exceed: \$575.00. \*DISCUSSION Roll Call: Cutaiar-yes; Kramer-yes; McDaniel-yes; Devine-yes. Motion passed. ACTION ITEM

7) DISCUSSION/APPROVAL for Maintenance for both Well Generators Motion by McDaniel to approve both generators for maintenance at Spaletta Equipment, not to exceed: \$1,200.00. \*DISCUSSION Roll Call: Kramer-yes; McDaniel-yes; Devine-yes; Cutaiar-yes. Motion passed. ACTION ITEM

8) DISCUSSION/APPROVAL to Repair 3 areas in City roads due to new water tie ins (New water services) – Kevin shared these were all water service tie-ins and asphalt repairs for Northwest Specialty Hospital and the two new for Hester. After a brief discussion the following motion was made: Motion by McDaniel to direct staff to work with PNW Dirtworks and Paving for street repairs; not to exceed \$3,500.00. \*DISCUSSION Roll Call: McDaniel-yes; Devine-yes; Cutaiar-yes; Kramer-yes. Motion passed. ACTION ITEM

EXECUTIVE SESSION: Idaho Code 74-206(1)(f) “to Discuss litigation with the City Attorney ACTION ITEM

MOTION by Devine, to go into executive session under Idaho Code 74-206(1)(f) “to Discuss litigation with the City Attorney.” All in favor. Passed.

EXECUTIVE SESSION Began at 7:13pm and Ended at 7:32pm

DISCUSSION/APPROVAL Motion by Devine to direct the City Attorney to begin documents to file a suit against the people encroaching on the west side of East Freemont (Engle's property). \*DISCUSSION Roll Call: McDaniel-yes; Devine-yes; Cutaiar-yes; Kramer-yes. Motion passed. ACTION ITEM

ANNOUNCEMENTS Councilman McDaniel - shared he spoke with the family for the cemetery road access and gave a brief update with where that is at, still nothing definitive yet. Councilwoman Devine – Asked Deputy Goodman if the city can ask to remove stuff from city property or can we just remove it? /

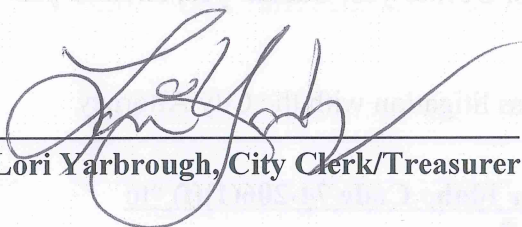



**Deputy Goodman responded** with a variety of situations that could play out. There was a brief discussion on best choices of action for various situations. **Mayor -none. / Staff, Lori-** 1) Reminder of Super 1's Trunk or Treat happening on Halloween 5pm to 7pm. 2) Shared that the final request and closeout request have been made by PAC for the Community Development Block Grant (CDBG). We should have the money within the week. 3) Also, at the next council meeting you will have information in your packet to approve the Bond Ordinance regarding the DEQ and USDA-RD Funding. Danielle from Hawley Troxell is our Bond Council, and she will be present to address any questions you might have. 4) Traffic Fine Money- Lori wanted to share the city has received its first income from traffic fines after over 13 years. It is something she had been working on slowly over the years, and Deputy Goodman really helped the process along more since he's been assigned to our district. It was \$60.00. Lori also shared that Deputy Goodman has been working with us reviewing traffic signage and that the council might want to have a brief conversation with him regarding various standards for ticketing in the city. Deputy Goodman then ran down various reasons for various speeds, and how most school zones are set. Council seemed to like the 6 over and stricter in school zones. 5) Lori has scheduled a meeting with Panhandle Health District for next week on the 26<sup>th</sup> and the attorney and Mayor will be there, and she wanted to know if council was interested in going. This is an initial conversation on how we should handle the permitting of septic tanks in the city next spring. **Staff, Kevin-** 1) Gave a brief update on the sidewalk project that has been started yesterday. He has some concerns about safety and their possible lack of being prepared, but happy to see it get going. 2) He is still getting bids for the water hauler, hopes to have 3 soon. 3) Fire locks are in and has one on already- this is for the fire hydrants. 4) He has purchased the two generators for any back-up purposes. 5) The water meters are all in and the radio reads are mostly in for 3<sup>rd</sup>, 4<sup>th</sup>, Davis Lane, and parts of Grove. 6) He has been noticing how bad our signage is around town and would like to put together a plan to start updating them. Lori reminded him that Keller did already do a preliminary review in the transportation plan, so we have a starting point to build from.

**Public Comments:** None

ADJOURNMENT at 8:20pm

**ATTEST:**

  
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Lori Yarbrough, City Clerk/Treasurer

  
\_\_\_\_\_  
Bill Hill, Mayor

Approved at Council on 11/1/2022