

Approved Minutes

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, September 19, 2023

6:00pm Regular Council Meeting

Mayor Hill called the meeting to order at 6:08 P.M.

ROLL CALL: Present: Mayor Hill; Councilwoman Devine; Councilwoman Kramer (via phone); Councilman Cutaia; Public Works-Kevin Foster; Attorney, Zach Jones; and Rand Wichman, City Planner. Absent: Councilman McDaniel; Clerk/Treasurer-Lori Yarbrough.

REPORTS:

TREASURY REPORT - Lori submitted the July 2023 report; Mayor recapped ending balance, no further questions asked.

WATER REPORT – Lori submitted a written report, Mayor asked if any questions, hearing none. He commented briefly on the status of bulk water haulers.

PUBLIC WORKS REPORT – Kevin submitted a written report, there were no questions for him.

PLANNER REPORT – Rand submitted his written report. Pastime Freemont Street- didn't get to see it. Good Hope request for reconsideration was withdrawn and official done and will no longer be on his report. Next 4 items are on the agenda for tonight. Idaho Gun under construction. Tractor Supply all wrapped up sign permit done, and they are ready to open soon. No progress on code amendments will keep the council updated. Colton Acres nothing new, suspects high interest rates have slowed them down. Nothing further. Mayor asked about a new trailer on Freemont Street and his concern with meeting the code requirements. Rand commented that we don't have a real robust inspection process, but a question of staffing.

ACTION ITEMS:

1) APPROVAL OF THE September 5th REGULAR MEETING MINUTES:

Motion by Devine, that we approve the last regular meeting minutes on the 5th, without amendments.

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

2) DISCUSSION/APPROVAL OF BILLS AS SUBMITTED:

Motion by Devine that we approve paying the August/September bills as presented without amendments, but they wanted to get an explanation on why the Rooter Guys bills were.

***DISCUSSION**- Lori wasn't here and Kevin wasn't sure what the Rooter Guys bill was for. Kevin asked Lori (via text) and shared the cost related to the waterline main break over at AutoZone for the Idaho Gun groundwork. It caused rocks and dirt to get into the Super 1 Foods septic tank, so the city paid the bill to clean it out. All in favor- none opposed. **Motion passed. ACTION ITEM**

3) DISCUSSION/APPROVAL of the Order of Decision for the APPROVAL of the Order of Decision for the Application for the Conditional Use Permit by the Dippolito's, Located at 5960 E Menser Avenue. An application for commercial use of a daycare in a residential zone that will be operated by Sunrise Christian Daycare and Preschool. Rand to answer any questions. **Motion by**

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.

Cutaiar to approve/deny the Order of Decision for the Conditional Use Request for a Daycare by the Dippolito's and authorize the Mayors signature. *DISCUSSION Roll Call Vote: Cutaiar-yes; Kramer-yes; Devine-recused. **Motion Passed. ACTION ITEM**

PUBLIC HEARING: Luxury Garage Condos Request to Amend CUP Conditions. The Mayor opened the hearing at 6:09pm. Rand explained the request is to amend the previous request that was granted. They are scaling back the project to 70 units instead of 118 and they will need to relocate the club house and eliminate the 2nd egress. Which was a condition we imposed on them. Lakes Highway and the Fire District have weighed in with request to modify the site plan. The next step of recording the condominium plat is a bit more complicated before they can sell the units. It will come back before the council. What is up for a decision today is the amendment of the conditions on the conditional use permit. A couple of new condition 7.07 is a new condition changed to withdraw the building permit that won't be necessary for building C; the clubhouse permit gets relocated so a new permit will need to be done and modify one of the other permits for the shrinking down. 7.08 is a new condition. The applicant has Scott available and might want to speak. Because this is a condition of modification and so we did notice up the process and will allow for any public comment. Scott didn't have anything. **Mayor then invited anyone to come forward to make public comments, hearing none, he closed the hearing at 6:11pm.** Councilman Cutaiar asked...the words beautiful Athol, but the site is a mess. Scott responded that yes while under construction, but it will get cleared up. Councilwoman Kramer then asked about design from original proposal to the current proposal. Also, she asked if there is anything in this phase that is rental and not individually owned? She is concerned over this being rentals versus condos owned individually. There was a brief discussion between the code's definition between mini-storage verse luxury garage condos.

4) DISCUSSION/APPROVAL for a Request to Amend the Conditions of Approval for a Conditional Use Permit by Luxury Garage Condos for a Storage Facility. It was suggested to table the discussion on this matter because there was a desire to fully understand these conditions and staff will need to look into it further. **Motion by Kramer to "table" the request to amend the conditional use permit with conditions as recommended by the City Planner until we receive further information from the city planner.** *DISCUSSION Roll Call: Kramer-yes; Devine-yes; Cutaiar-yes. **Motion passed. ACTION ITEM**

5) DISCUSSION/APPROVAL of a Request by property owner, Chad Vinyard, to address the council and request reconsideration of the August 1, 2023 letter to Kootenai County. The Mayor invited Chad Vinyard up to speak. This is regarding the Jack Pine Flats minor subdivision (MIN23-0020). He is here in hopes of changing the city's mind on their comment to the council regarding his minor subdivision application. He gave a brief about himself, his disability, and how/why he acquired this property near the city. The whole plan from the beginning was to split it into 5 acres. Thought he has been doing everything that he was supposed to and never once thought about the city having any issues with his request. The process thus far has been expensive, and he is asking for a variance to allow him to move forward. He just wants to sell the top 5 of his 14 acres. Rand- mentioned the concerns the city had concerns over and explained how the area of city impacts agreement comes into play. He discusses the frontage and direct access onto a public road. This is where the problem comes in. Rand shard that for Mr. Vinyard it is cost prohibitive, yet it is what the city code says is required. His working with other cities he has seen other cities waive this requirement and believe the city would have the ability to do that. The question is does the council feel that is the right choice. There was a brief discussion amongst the council, after the following motion was made: **Motion by Devine to approve direct staff to withdrawal our letter opposition to the county.** *DISCUSSION – Roll Call: Devine-yes; Cutaiar-yes; Kramer-yes. **Motion passed.** Rand then further identified that we could include in the new letter to recommend to the county a condition of approval, to ensure the driveway cannot be expanded to serve anything beyond these 2 parcels. **The motion was made**

by Devine to direct staff to add the additional language as just recommended. Roll Call: Devine-yes, Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

6) **DISCUSSION/APPROVAL regarding the Athol Eats food truck court at NE corner of Old Hwy 95 and Highway 54.** Rand to lead discussion sharing the circumstances and that staff needs some direction to staff on completion of site improvements relative to opening for business. Could be 4 or more foods trucks, we have a plan for paving and landscaping. The question is can they open for business prior to landscaping, curbing, and paving are done. The city code does allow for a landscaping bond, but not for paving and curbing. The question is are you ok to allow them to open prior to paving and if so, do you want them to provide a deadline for when it will need to be done. The owner and applicates are present tonight. Klaus, the property owner, shared 2 other examples of food truck courts. The council shared a few questions and concerns then made the following motion: **Motion by Cutaiar to allow for issuance of business licenses and operation of food trucks at the Athol Eats food truck court, prior to completion of paving, contingent upon the property owner completing all other site improvements and providing a suitable financial guarantee for the curbing and the paving. All work to be completed no later than May 31, 2024.** *DISCUSSION Roll Call: Devine-yes; Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

7) **DISCUSSION/APPROVAL for Rockys Auto Body (BLP23-35) Request for Landscaping in Right of Way.** Rand began to introduce the situation to the council, and added that the property owner, Mr. Shadman, aka Rocky, is present tonight to answer questions if needed. The city code requires the landscaping to be onsite and within the property. This property is directly north of the property you just got done discussing along Hwy 95, part of the old Mr. Tire lot. This parcel has used this city right of way, formerly ITD right of way, used for access north and south parallel to N Old Hwy 95, to access the building and garage doors that face the Old Hwy 95, that would not be accessible if they couldn't use the right of way. If we were to require them to contain that access fully on their property, they wouldn't be able to meet our standards given the current building location. The property owner has a permit requesting to build an addition to this existing building on the north side. In working with Mr. Shadmans draftsman, we have worked up a site plan for landscaping that would continue to use this access within the cities right of way, but it could be minimized down to 24 feet to meet fire code, and landscaping would be done outside of that in the cities right of way and that then could use to access the front of the building. You have a memo that addresses this issue. Basically, he's asking for use of the city's right of way in support of allowing for this business to be in operation there. Rocky then spoke and shared his story of deciding to buy here in Athol. He shared his plan to open and operate another body shop, like he has in Hayden. He shared that the access to the building helps him, and he is willing to improve the landscaping so he can do this. His only concern is winter is coming and hopes to get this permit before winter starts. After a few questions and trying to understand if this discussion is regarding curbing, paving, or landscaping. City Planner, Rand, tried clarifying that if the council is willing to entertain allowing Rocky the continued access in the front, for the access road and required the landscaping areas and their buffers in the right of way then what would be necessary then is an agreement between the city and the property owner. The agreement is made in writing and includes all the parameters of what goes where and who's going to maintain it. Staff can work on this and bring it back to the council once for approval of the specifics. **Motion by Cutaiar to direct staff to prepare an agreement to address the issues to allow for Mr. Shadman to have said improvement within the city right of way.** *DISCUSSION Rand did clarify this matter is only related to the southern 1/3 of the property. If he comes later to do an additional building, then we will deal with the remainder of the parcel at that time. **Roll Call:** Devine-yes; Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

8) **DISCUSSION/DIRECTION Regarding the new Commercial Bulk Water Hauling Station.**

Lori provided a memo, Kevin and the Mayor tried to have a brief discussion on the matter, but then the Mayor stated since there is still confusion on this matter, and we should just table this item. **The council agreed and decided to table this item until the next meeting. No Motion made. *DISCUSSION NO ACTION ITEM**

9) DISCUSSION/APPROVAL to Purchase Misc. Water Parts for Back-Up Supply on Hand. Kevin shared the nature and type of items he needs to have on hand. There was a water main break over the past weekend, and we thankfully had the items on hand; now he needs to restock those supplies. **Motion by Devine approving the purchase of the recommended supply list from Consolidated; not to exceed \$5,000.00. ACTION ITEM *DISCUSSION Roll Call: Devine-yes; Cutaiar-yes; Kramer-yes. Motion passed. ACTION ITEM**

ANNOUNCEMENTS: City Council-none / Mayor -none / Staff – Lori & Julie in Boise; Kevin 1) Sidewalk Project is done and getting to closed out finally. 2) Menser Fog Coat is done, but there were a few timing things and possibly warranty issues.

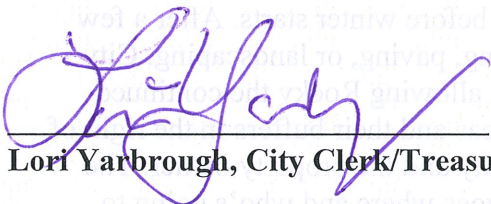
ANNOUNCEMENTS: City Council – none. / Mayor – none. / Staff – Kevin 1)

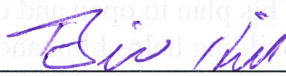
PUBLIC COMMENTS – Tammy Porter (30025 N Davis Lane) – asked about no 2nd on action item #8; the Mayor replied we don't require seconds; and this item was just tabled- no action or decision was made. No comments, no public present or signed in.

Neil Smith – (5505 E Fremont St.) – just bought the property at the end of Pastime St. has concerns for him and his neighbor. Chad Vinyard, (the property owner to the north, not located inside the city) has aggressively been telling his neighbor that he plans to knock down the fence and widening the road. They knew they were not allowed to speak during the council meeting and wished they had the opportunity to add comment before the council made their decision, based just upon Chads comments or request.

Adjournments at 7:56pm.

ATTEST:


Lori Yarbrough, City Clerk/Treasurer


Bill Hill, Mayor

Approved at Council on 10/3/2023