

Approved Minutes

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, October 17, 2023

6:00pm Regular Council Meeting

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

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

REPORTS:

TREASURY REPORT - Lori submitted the September 2023 report. The ending STCU Checking account balance was \$58,122.27; the ending Savings/Money Market account was \$30,409.51; and the ending LGIP account balance was \$1,090,050.38. The P1FCU Money Market account \$154,309.05 for the water loan payments and savings is \$15,635.83 which is where we are taking the coins from the water haulers. One transfer for \$75,000 from STCU MM to STCU checking for paying invoices and 2 months of Impact Fees. The Council said they were curious how much impact fees have been collected so far, the Clerk said she could get them some year-end totals.

WATER REPORT- Lori submitted a written report. She shared the September usage was 5,751,741 million gallons; coin haulers were 330,800 gallons. September billed utilities was \$24,937.00 and collected was \$26,512.50. There were 42 accounts who received a late fee this month and about 8 or 9 accounts getting a shut-off letter.

PLANNER REPORT – Rand submitted a written report and gave a brief update for a few projects: **Pastime/Fremont Street Improvements** is nearing completion. Kevin is working to ensure it meets city standards and once that is determined, then the warrantee work will be wrapped up, and it should be complete and ready for the city to formally accept it. **Luxury Garage Condos** – at the September 19th meeting, the council heard a request from the owner to amend the Conditional Use Permit to eliminate the 2nd access point and reduce the number of storage units to 70. The request was tabled for additional information. Since that date staff has gathered additional information and determined that additional proceedings will be required to amend the annexation agreement and the condo plat, in addition to the CUP. Notice will be provided for a new public hearing on the matter in November. **Rocky's Auto – 30480 N Old Hwy 95** at the September 19th meeting the council heard a request to allow for parking and landscaping improvements within the Old Hwy 95 right of way to facilitate construction of a new building on the property. The council conceptually approved the request, subject to a licensing agreement to use the property. A draft of that agreement is ready, but staff needs to know if the council wishes to charge a fee for the use of the right of way. That discussion is on the agenda and will be discussed when we get to that point. **Athol Eats food truck court at 30440 N Old Hwy 95** Has gathered everything needed and has paid for and signed the financial guarantee. 4 food trucks will be required to get city business licenses and then they should be ready to open for business. **Jack Pine Flats minor subdivision** in the county- Rand did draft and sent the letter to the county with the city's revised comments. The issue is back on the agenda tonight to be revisited and give adjacent property owners the opportunity to

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comment. **Thomason Property on Old Hwy 95** – Staff met with Levi Thomason and Aaron Mead and their engineer to discuss water line improvements for property on the east side of Old Hwy 95 across from the school. This property was annexed to the city in 2021. They are looking to get water improvements completed to support future commercial development on the property. **Colton Acres Subdivision**- Our city engineer, Stillman met with the staff today to discuss some possible road layout issues, as they are getting nearer to applying for the next phase of this project. They were aware of the supplemental standards we adopted in July so they will need to look at that again. Rand said he does still believe we will receive an application from them before Thanksgiving. Councilman Cutaiar wanted to know if a traffic study had been done yet and if the train traffic and impact would be a part of that. Rand said he hadn't seen any data yet, and that was a good point to raise and wasn't sure if or how train traffic weighs into traffic studies, something to consider though.

ACTION ITEMS:

- 1) **APPROVAL OF THE October 3rd REGULAR MEETING MINUTES:**
Motion by McDaniel, that we approve the last regular meeting minutes for the 3rd, 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 September/October bills as submitted without amendments.** *DISCUSSION- Councilman McDaniel wanted to know if Kevin got the valve over at Super 1, that broke fixed or uncovered yet. Lori didn't know and she will ask him. All in favor-none opposed. **Motion passed. ACTION ITEM**

- 3) **DISCUSSION/APPROVAL to Enter into an Agreement with Keller Associates for a Water Map Book Update.** Lori shared this was the same project as we had previously discussed, only Keller now has a new GIS person dedicated to doing this type of projects and so after rediscussing this with Stillman, he got a new cost estimate, and it was much lower than he originally had quoted. There was a quick conversation about looking into how much it might cost for us to also get the data electronically, in the event we wanted to buy and train in the ESRI GIS system and keep track of our own data at some point in the future. Lori will ask. There was also a question about if it was going to have hydrants and meter locations as well, Lori said she will need to ask since it had been a while since we originally requested. **Motion by Kramer, to authorize the Mayors signature on the agreement for Water Map Books; not to exceed \$4,300.00.** *DISCUSSION Roll Call: McDaniel-yes; Devine-yes; Cutaiar-yes; Kramer-yes; **Motion passed. ACTION ITEM**

- 4) **DISCUSSION/REVISIT the Council decision regarding the Jack Pine Flats minor subdivision (MIN23-0020)/Property Owner, Chad Vinyard, from September 19th and allow for public comment on the matter.** The Mayor shared he felt it was necessary to revisit this matter to allow for public comments that two primary homeowners directly affected by this matter were not given a chance to speak at the last meeting when Mr. Vinyard was here. For the record, Mr. Vinyard was notified via email (the same email as he notified the city of his request to speak address the council) by the City Clerk, but he does not appear to be present tonight. With that the Mayor opened it up for comments at 6:29pm. **1st) Neil Smith 5505 E Fremont St. Athol** – he and his neighbor, Tristan Miller, are both new here to the city and are first time homeowners. He wanted to state that he is not against someone trying to build; its more been about their behavior and situation regarding the previous easement granted to Mr. Vineyards property. His neighbor Mr. Miller shared his experiences regarding encounters with Mr. Vineyard, commenting about removing the fence along the easement to improve his road. He has several concerns with Mr. Vineyards request as he believes the traffic speeding, marking of trees that might not be his, the numerous vehicles (9 cars, 3 RV's and 2 boats) and possible people all living/renting on his property and is fearful of him giving out more easements or access to other neighboring properties that are landlocked, creating even more traffic.

He shared he has shared these concerns with the county but wants to be sure the city is aware of these concerns. He has had someone looking at the easement and has found a lot of vague language in the easement which is also concerning. He and his neighbor have young children and they just have a lot of concerns with so much traffic coming through there. 2nd) Tristan Miller 5449 E Fremont Rd – present wanted to confirm he agrees with what Neil said. Next various Council asked a few questions that both the City Planner and City Attorney responded to council regarding the procedures for the ACI standards for subdivisions, maps of for the property having some varying information, the Easement of these parties and whether it does or does not give Mr. Vineyard the ability to further grant additional parcels the same easement use. In the end Rand reminded the council their recommendation to the county is just that a recommendation and the county will make the actual decision. Rand reminded them that the last direction was to send a letter saying we will waive the road frontage requirement if it was limited to 1 parcel. If the council today wants anything different from that, then you need to make a motion to that effect and state what you what. Kramer said we originally voted to turn this down and thinks the city should stick to that because it does not meet the city code standards and we are not interested in granting a waiver for it. Then the county will make the decision on whether they approve or deny the subdivision. With that the following motion was made: **Motion by Kramer to not grant a waiver; as it does not meet the city subdivision standards for road frontage, and direct staff to send a new letter to the county.** *DISCUSSION – Roll Call: Devine-yes; Cutaiar-yes; Kramer-yes; McDaniel-yes. **Motion passed. ACTION ITEM**

5) DISCUSSION/APPROVAL Regarding a Kootenai County minor subdivision application (MIN23-0030) within the Area of City Impact (MIN23-0030 Falcone Ranch) Rand lead discussion by sharing this application with the county, really is the very same standards we just got done talking about regarding meeting road frontage; but this location setting is just a little bit different because it is not coming onto a city street, like the last one. But this request still also does not meet the road frontage lot requirement in the city. After a short discussion the council felt it just didn't have the same impact as the city as the last one, and they didn't have the same concerns so they would be willing to waive the standards in this case. **Motion by Cutaiar to direct staff to comment back to the county in favor of waiving the road frontage subdivision standards as it is not impacting a city street directly.** *DISCUSSION Roll Call: Cutaiar-yes; Kramer-yes; McDaniel-yes; Devine-yes. **Motion passed. ACTION ITEM**

6) DISCUSSION/APPROVAL for Rockys Auto Body (BLP23-35) Request for Landscaping and Right of Way use. Rand began the discussion by reminding the council that they discussed this matter at last month's meeting and council then directed staff to draft up a license agreement for the right of way use and now it is back before you for approval. This was because of the current configuration of buildings already on that parcel. He also felt it best to deal with this large parcel in two parts, a north part and a south part, as it is large. Today we are discussing the southern part which is about 1/3 of the whole parcel, as they are asking for a permit to add onto the exiting building located on the southern part of this parcel. The expansion of this request does trigger them needing to get the parking and landscaping up to code. The license agreement for the right of way will allow for the full use of the area road frontage directly in front of the building and makes sense. The council has in their packet the plan for landscaping to better visualize what the vision is. It is not however currently read as showing a fee to use this right of way. He wasn't sure if the city wanted to charge a fee and if so, what would be appropriate, he would recommend that a fee is probably not necessary as they have been doing improvements and have asked them in this agreement to improve the remaining road right of way in its entirety to the shoulder of the road. For this corridor area, with Athol Eats to the south doing their improvements and then Luxury Garage Condos doing theirs and then eventually the remain 2/3's of this lot in the future will leave the city road right of way for this corridor looking nice, that's how it gets done, one parcel at a time. **Motion by Devine to approve and authorize the Mayor's signature on the license agreement as written with**

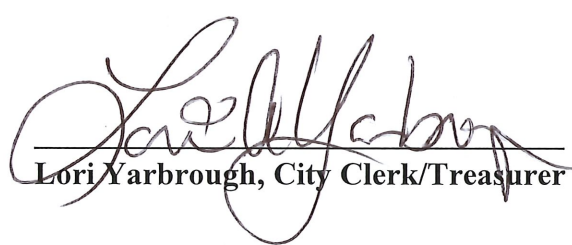
no fee. *DISCUSSION – Lori then clarified some confusion the council had about the agenda item description and the right of way discussion. The Building location permit, their request to increase an existing building trigger them also needing to come into compliance with city code. Primarily that means parking and landscaping improvements, but this parcel, due to the location of that existing building, also needed a discussion on their use of the city right of way to better use and access their building on this lot. The council appreciated the explanation, and the motion was made. **Roll Call:** Devine-yes; Cutaiar-yes; Kramer-yes; McDaniel-yes. **Motion passed. ACTION ITEM**


ANNOUNCEMENTS: City Council – Devine asked 1) someone notifying her new neighbor about not parking in the road right of way. Lori shared, once Kevin is back from being sick, he will notify them. 2) asked the status of the Fotsch place on Menser, clerk said official nuisance letter has gone out in the mail. 3) Making sure Meet the Candidates on Thursday the 26th at 5pm, the clerk confirmed yes that is correct. **Kramer-** asked if there was an ordinance that prevents people from working on their cars at 2am or riding motorcycle's? **Cutaiar** – added the noise/work coming out of the shipping containers at all hours of the night on Meadow just down from him. Deputy Goodman was present at the meeting and shared that the recognized hours for quiet would be between 10pm and 6am, so if you hear anything call it into the Sheriff's department so they can go check it out. / **Mayor** – added his concern for vision or line of sight with vehicles parked in the right of way. / **Staff - Lori** 1) Super 1's - Trunk or Treat on Halloween from 5pm to 6:30pm, needing more trunks. 2) Sweeney – are we obligated to use them, or can we pick another, but she just spoke with the city attorney before the meeting, and he has directed staff back to the agreements with NNAC who hired them. Staff will look and come back to the council if needed. 3) Multijurisdictional Joint Planning & Zoning Comm Workshop 11/2/23 at 5:30pm – is any council interested in attending, let Lori know. It didn't look like anyone was interested/available to attend this year. 4) Free Community Meals 11/10/23 & 12/15/23 being offered by Bestowing the Basics, from 4pm to 6pm. 5) IDOG (Idahoans for Openness in Government) Open Meeting 10/25/23 on-line and another on November 28th at 10am regarding the public records act. She has flyers with info if anyone is interested. 6) Sharing we did receive a letter from ICRMP regarding the tree limb that fell onto a duplex, that the Mayor had gotten cleaned up. They submitted a claim for reimbursement for the roof repair and ICRMP did deny the claim, she was just making the council aware of the situation. **Kevin-** was not present. Mayor added Kevin was working on BIDS for Water Hauling station. Lori clarified that Julie and Kevin were still working on getting the specs together and set out. They hope to get the request out soon.

PUBLIC COMMENTS: none

ADJOURNMENT at 7:38pm

ATTEST:


Lori Yarbrough, City Clerk/Treasurer



Bill Hill, Mayor

Approved at Council on 11/7/2023