

Approved Minutes

## Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, April 16, 2024

6:00pm Regular Council Meeting

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Mayor Ruch called the meeting to order at 6:03 P.M.

**ROLL CALL:** Present: Mayor Ruch; Councilman McDaniel; Councilwoman Kramer; Councilwoman Porter; Councilwoman Devine; City Clerk/Treasurer-Lori Yarbrough; Public Works-Kevin Foster; Rand Wichman, City Planner; and Attorney, Zach Jones. Not Present: none.

### REPORTS:

**TREASURY REPORT** - Lori submitted the March 2024 report. The ending STCU Checking account balance was technically reading on the report as (\$384.09), but that is because the report separates out the financial guarantee amount of \$58,140.00; the ending Savings/Money Market account was \$130,636.72; and the ending LGIP account balance was \$1,075,161.13. The P1FCU Money Market is \$116,619.14 and the savings were \$21,881.86.

**WATER REPORT**- Lori submitted a written report. She shared the March usage was 3,293,066 million gallons; coin haulers were 203,900 gallons. March billed utilities was \$28,911.00 and collected was \$22,019.49. The overall number for the month will be less, now that we have made the adjustment for the partial refund for the Fire District bill. Lori hasn't looked at the number of accounts who are late as they haven't charged the late fee yet, due to training today.

**PUBLIC WORKS** - Kevin submitted a written report, Councilwoman Devine had asked what the DEQ service line inventory was, and she asked about where he was blowing the sidewalks and streets. Kevin further explained. Councilwoman Porter asked a question related to potholes, which Kevin explained. The Mayor then also wanted to announce and "congratulate Kevin" as he has officially received his Water Operator 1 license.

**PLANNER REPORT** – Rand submitted a written report, with a brief recap of the report. Code Amendments he has updated the draft amendments to the parking, landscaping, and buffering standards of the commercial and light industrial zone based upon the workshop with the council. It is ready for a public hearing; we will get it set up to happen on May 21st. Thomason property on N. Old Hwy 95 – The Good Hope Baptist Church has purchased one of the properties formerly owned by Levi on the east side of N. Old Hwy 95, they got a permit to clear the land. Waterline construction plans are being reviewed by the city engineer to extend the city water line to these properties. It is expected that water line construction will occur this summer and he expects to see a building permit for the church in the near future. Pastime/Fremont Street Improvements – nothing new, is still waiting for the warranty bond and paperwork for those improvements, so they have not been formally accepted. Kevin added that he has a walkthrough for AJ Homes later this week. Colton Acres Subdivision – nothing new yet, no application has been submitted. But the deadline for paving of the culdesac at the end of Alice Court has passed. A letter was sent to the developer to let them know that the City will be making a demand on the bond for the improvements if the work is not completed in May. He shared it is in everyone's best interest if 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.*



developer does the work and we do not have to involve the bonding company to get this work completed. Miscellaneous – staff have been getting a larger number of calls and emails about various properties and developments within and near the city.

### **ACTION ITEMS:**

#### **1) APPROVAL OF THE April 2<sup>nd</sup> REGULAR MEETING MINUTES:**

**Motion by McDaniel, that we approve the last regular meeting minutes for the 2<sup>nd</sup>, without amendments.** \*NO DISCUSSION NEEDED. All in favor-none opposed. **Motion passed. ACTION ITEM**

**2) APPROVAL OF BILLS AS SUBMITTED:** Lori gave a brief explanation, then the following motion was made: **Motion by McDaniel, that we approve paying the bills as submitted.** \*DISCUSSION All in favor-none opposed. **Motion passed. ACTION ITEM**

**3) PRESENTATION/DISCUSSION from Idaho Gun & Outdoors Regarding Options for Mechanical Equipment & Easement Encroachment – Shelly Stirrat** introduced herself to the council and gave a few handouts of the plan of the project. She understands that growth is not often received well, this this community has really welcomed them so far, and she is appreciative of it. Excited, and appreciate the opportunity to speak on this matter. The issue of the location of the exterior location of the HVAC on their new building. It was designed to be aesthetically pleasing and planned for the HVAC to be on the east side of the building between them and AutoZone. The site plan was submitted to the city and was approved, she agreed it was however made a bit larger than in the plans. Understands the 20-foot utility easements, but most share between and in their case, it is all on the Idaho Gun property. They have cut it back to 8 ft so it's not as large, but the concern of no room or equipment (now 10 feet) developer install and flag waterlines, problem in the beginning. They fixed it at their cost, in that case. (\$20k) up and running within 2 hours, if agree to the hold harmless agreement they thought was a good fix/solution. But the council denied that agreement of terms. She is here today asking for the council to reconsider and please agree to sign. They care about what it looks like and think it will look bad to have to put it on the south side of the building. Then each council member asked a few random questions. Councilwoman Porter asked about the metal roof and concerned about the snow; shelly said they will put up snow cleats. Porter then asked if Rand could confirm that this is what the city approved; Rand shared that it is not the same site plan he reviewed, on the version he looked at, which was for landscaping there were two small pads shown, but in general he doesn't review any easement encroachments because there are zero-foot setbacks in the commercial zone. Nor does he look at the mechanical or HVAC maps as we don't approve those items or have it in our code. He might look at them going forward, just to be sure their placement doesn't have issues such as this. Councilwoman Kramer – asked that before someone begins to build you look at the lot and identify where easements and utilities are located. So first you knew there was a 20 feet easement along that side of the property. Seems like plans always change and things don't get built as asked or approved, and it makes things like this hard. Councilman McDaniel feels the problem is that 8ft of area, if waterline leaks, even with waiver for the city to not be responsible for damage, is if we must fix it, then we 1<sup>st</sup> need to get power and HVAC out there before city can even begin to do repairs, so it delays the ability to fix. Barely enough room to dig, but then no room to put material; contrary to others' opinions, he does this for a living and knows this. After some further conversations back and forth and Shelly asked if there is anything else they can do to mitigate their concerns with this and allow them to place the HVAC where they have it planned for. Council said they are happy Idaho Gun is here, but if the right circumstances happen, it would just be a nightmare to fix if this was allowed. Councilman McDaniel made the following motion: **Motion by McDaniel, to not enter into an agreement with Idaho Gun and not allow for a permanent structure in the easement.** \*DISCUSSION Roll Call Vote: **Devine-yes; McDaniel-yes; Kramer-yes; Porter-no. Motion passed. ACTION ITEM**

**(Break – 7:01 to 7:04pm)**



**PUBLIC HEARING #1: Regarding Kootenai County Case No: MIN23-0020, Jack Pine Flats, a request by Chad Vineyard for minor subdivision approval from Kootenai County for a 2-lot subdivision on approx. 14.4 acres in the Area of City Impact.** Mayor asked Rand to introduce the matter. City Planner, Rand Wichman, gave a brief introduction to the history of this matter to better explain why they are here again today discussing this case. There is a provision in our subdivision code requiring all new lots to require frontage and road access onto a public road. But the area of city impact allows for the city to impose our same subdivision rules. The council has heard this matter several times with varying parties present at those meetings. At the request of the County and the county applicant he would like one more opportunity to have everyone present for the council to make a final decision on whether to grant a waiver of the road frontage requirement or not. So, we are having a public hearing for the applicant, neighbors, or anyone else wishing to speak. **Mayor Ruch opened the hearing at 7:09pm.** The Mayor reminded everyone to please speak loud and clear- it is being recorded if you want to speak. He further stated those wishing to speak tonight will need to complete the yellow half sheets of paper on the table. On it, please identify if you are for, against, or neutral and if you wish to speak or not. Then Then, the Mayor invited Chad Vineyard up to speak. Chad appreciated the opportunity to speak, shared his story and timeline. He read previous comments from past meetings, and he has since spoken to the 2 neighbors to the south of him. He understands that they want the least amount of traffic, but he said he explained to them that the city said no because they want a road built as my private driveway. If he builds the road to city standards, there will be more of an impact to those 2 homeowners. If he annexes and builds the road, then it becomes the city, but it just doesn't work in this case. Councilwoman Porter- asked to clarify from Rand, she thought they were here to vote on whether to allow or waive his meeting our subdivision standards not on if we want him to build a road. Planner, Rand, clarified: Rand then stated that the question before the council is "whether or not to grant a waiver to the road standard requirements". Other examples where you have waived this requirement were locations not directly accessing into the city, but rather on another street not in the city. The effect of your decision is whether the county can take your recommendation from the city or not, that is up to them, but in the past, they have taken under consideration the city's comments. Chad Vinyard interjected and said the real question isn't if he can split his property or not, because he can he just has to build a road to city standards up to the north end of his property. The question is if you waive this policy of building a city road and he can just continue as is, without doing any more work to it, then the 2 neighboring properties don't have any more impact. He felt the city was priorly most concerned with the stipulations of the easement and him granting it to others, causing more traffic. At that time Rand encouraged the council to continue to take more public testimony for the public hearing. Comments are as follows:

**Chad Vineyard 5453 E Fremont** – Yes spoke, for the waiver. – Chad addressed the council 1<sup>st</sup>.

**Neil Smith 5505 E Fremont** – Yes to speak, opposed the waiver. – Neil first said worried about more traffic, a road will draw in more traffic. Past Mayor Hill visited the property and said it's a bad place for a road. Already a known secret passage for nighttime traffic. He's been asked by other surrounding properties for access to their properties. It's not a road, it's an easement meant for the one neighboring property. If you want it to be a city road buy it from us. Can't help to wonder how much worse this is going to get.

**Aaron Rist 30495 N Alice Ct** – no to speak, opposed the waiver and wrote the following for comment: Exceptions should not be made for homes that will not improve life for all Athol residents.

**Barry Johns 5965 E Menser** – no to speak, opposed to the waiver, no written comment.

**Tina Johns 5965 E Menser** – no to speak, opposed to the waiver, no written comment.

**Kim Garrett 30750 N Alice Ct** – no to speak, opposed to the waiver, no written comment.

Then Chad Vineyard was allowed to address the council again. Chad said there are people to the east who want access, he's said been telling them no. But he should be able to use his land as he wishes. He says the question isn't if he can split his property, it's just how far the city makes him have to go to do it. If the city wants him to build the road, then he might need to get money from his neighbors to help build



it. It's not what he wants to do, but he will. He also doesn't know why these other people get to have a say about it. He hopes the city will go back to what they originally said and not make him build a road to lock it up so that others won't want to use it. If it gets paved everyone will want to use it. Also, he noted that his easement has been in effect long before those 2 neighboring properties put their houses on it, why they put them there is not his fault, they knew the easement existed. He heard the city wants a road on the other side that is their property. With no one else wanting to make a public comment, **the Mayor closed the Public Hearing at 7:38pm and the council then began deliberating.** Councilwoman Devine- asks for clarification of if he's asking for us to allow more easements. Rand restated- the question is are you willing to waive the requirement, of each of the lots to have frontage on a public road? If not, then Mr. Vineyard's option is to pursue building a public road that would connect to pastime and would therefore provide him with frontage on his lot. That path does provide for a lot of head scratching issues, involving multiple jurisdictions, and questions revolving maintenance, and right of way dedications. The other option is granting the waiver, not requiring road frontage, which the county would likely approve, and you can request the county places a condition of not allowing the easement to be expanded. The purpose in the code is well intended, but this area outside of the city is harder to apply it to. After many deliberations by the council the following motion was made:

**ACTION ITEMS Continued:**

4) **DISCUSSION/APPROVAL Regarding the 2-lot Subdivision in the Area of City Impact –** Rand and Zach will be available if the council has any additional comments or questions regarding the matter. **Motion by Kramer, that we deny the waiver for the Jack Pine Flats 2-lot subdivision.** \*DISCUSSION- This means the existing recommendation letter to the county stands, there is no change in decision. Roll Call Vote: **McDaniel-yes; Kramer-yes; Porter-yes; Devine-yes.** Motion passed. **ACTION ITEM**

**PUBLIC HEARING #2: - On Proposed City Fee Resolution 2024-03**

**The mayor opened** at 8:01pm - He stated and consider public comment on the adoption of City Fee Resolution 2024-03. Regarding the institution of new or increases for commercial water hauling, tampering with meters, and Water tap or connection/installation fees etc. **Mayor asked if there was anyone wanting to comment.** Clerk, Lori shared that most of the changes are addressing the commercial water hauling station. **The Mayor asked once again if there was anyone wanting to speak, again hearing none he closed the Public Hearing at 8:03pm.**

**ACTION ITEMS Continued:**

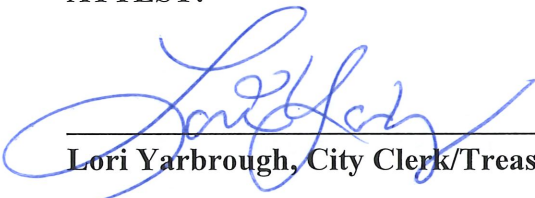
5) **DISCUSSION/ADOPTION of City Fee Resolution 2024-04 an update of the City Fee Schedule - Motion by McDaniel, to adopt the Fee Resolution as presented, and to be effective, April 16, 2024 billing.** \*DISCUSSION Roll Call: **Kramer-yes; Porter-yes; Devine-yes; McDaniel-yes.** Motion passed. **ACTION ITEM**

**ANNOUNCEMENTS: City Council -Porter –** asked Kevin why he decided to put the cement barriers on the south side near the trees, instead of the north side. Kevin said it was a flatter area. / Mayor – none / Staff **Lori - none & Kevin –** just wanted to thank the council again for allowing him to go to the classes and get his water license.

**PUBLIC COMMENTS:** None

**ADJOURNMENT at 8:06pm**

**ATTEST:**

  
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**Lori Yarbrough, City Clerk/Treasurer**

  
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**Steven Ruch, Mayor**

Approved at Council on