



Approved Minutes

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, May 21, 2024

6:00pm Regular Council Meeting

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 April 2024 report. The ending STCU Checking account balance was technically reading on the report as \$24,462.92; the ending Savings/Money Market account was \$130,749.15; and the ending LGIP account balance was \$1,142,964.38. The P1FCU Money Market is \$116,738.19 and the savings were \$23,069.04.

WATER REPORT- Lori submitted a written report. She shared the April usage was 3,634,880 million gallons; coin haulers were 296,000 gallons. April billed utilities was \$20,080.00 and collected was \$26,623.16. The overall number for the month was less, because we have made the adjustment for the partial refund for the Fire District bill. Lori said there were only about 2-5 accounts who are late as of today, but there were 40 accounts who got the late fee this month.

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 is ready for a public hearing and on the agenda for tonight; Thomason property on N. Old Hwy 95 – Nothing new, believes the waterline construction plans are likely to start soon. Pastime/Freemont Street Improvements – still waiting for the warranty bond and paperwork for those improvements, Kevin has signed off on the punch list items, Lori should be getting the original documents soon, and is ready for the Mayors signature, and knows what to do with them once she receives them. Colton Acres Subdivision – They responded to his letter for the required paving of the culdesac at the end of Alice Court. They are getting bids together to get the work done asap, if it's done in a reasonable time, we may not need to contact the bonding company. Idaho Guns should be opening in the next week, nothing more there. ACI Projects – MJMB Properties Special Notice Permit – The county is soliciting comments from the city, there is a memo from him and it's on the agenda for later tonight. ACI Agreements – New legislator was adopted by the state that significantly changes requirements from the Area of City Impact Agreements. As a result, the city will need to renegotiate its agreement with the county sometime in the next year or so. Parking Lot/Design Standard reviews – A lot of time has been spent reviewing plans for Rocky's and Athol Eats food truck court. Multiple reviews have been done and it's still a work in progress. He's cautiously optimistic that the new code requirements that council is considering with the code amendments will result in more complete plans and fewer re-reviews.

ACTION ITEMS:

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.

1) APPROVAL OF THE May 21st REGULAR MEETING MINUTES:

Motion by Kramer, that we approve the last regular meeting minutes for the 21st, without amendments.

***NO DISCUSSION NEEDED.** All in favor-none opposed. **Motion passed. ACTION ITEM**

2) APPROVAL OF BILLS AS SUBMITTED: Council asked staff about 1 or 2 bills, 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) APPROVAL/DISCUSSION regarding the Scope of Work with Keller Associates for the

Watermain Extension along N Old Hwy 95 by Belmont Builders. – Staff answered a few questions from the council regarding the scope of what Keller will do and how much time Kevin thinks is needed. After a discussion the following motion was made: **Motion by McDaniel, to use Keller Associate’s for the Construction**

Management and for 25% for Construction Inspection not to exceed \$16,400.00. *DISCUSSION- also mentioned was this is a pass through, meaning after the city receives the bills from Keller, they then get passed on to the property owner doing the work, and this is part of the original annexation agreement conditions. **Roll Call Vote:** Devine-yes; McDaniel-yes; Kramer-yes; Porter-yes. **Motion passed. ACTION ITEM**

4) PRESENTATION/DISCUSSION/APPROVAL by Clearwater Financial, Cameron Arial, A

request by staff to retain Clearwater Financial and enter into an agreement of services. Lori – to introduce Cameron and why she would like the council to approve this. Cameron then briefly shared how the annual retainer works and how projects over the 30-hour mark would require an additional agreement and would not be included in the retainer. This is something that provides for a good opportunity in the evolution of projects and helps to create the path to make things happen clearer. After a conversation regarding possible projects that could be better prepared and navigated if staff had this service available the following motion was made: **Motion by Devine, to approve/deny using Clearwater Financial and enter into a Master**

Service Agreement and authorize the Mayors signature; not to exceed \$6,000.00. *DISCUSSION **Roll Call Vote:** McDaniel-yes; Kramer-yes; Porter-no; Devine-yes. **Motion passed. ACTION ITEM**

PUBLIC HEARING: Regarding an Ordinance #445 which will Amend multiple chapters in Title 8, increasing things like setbacks and fencing, height limits, stormwater plans, and various parking and landscaping, requirements in the commercial and non-residential zones. City Planner, Rand Wichman, then said that what the Mayor just read pretty much describes the changes we are making. **The Mayor opened the hearing** at 7:17pm to take and consider public comment on this matter. **The Mayor asked** if there was anyone wishing to speak tonight, to now come up one at a time to the podium one at a time and give your testimony. **Barry Johns** 5965 E Menser – Shared his 2 comments. First, the height of the buildings being allowed to be 35 feet, how high does that allow for a building? City Planner Rand, responded it is about 3 stories buildings. Barry also wanted to know where the light-industrial areas were located within the city; Rand again pointed toward the zoning map on the wall and said it’s basically the mill area and a small area north of Hwy 54 too. Barry then asked what the current building height is, and Rand responded there isn’t one, this fixes that. Lastly, he shared that he feels landscaping trees should fit the occasion and there should be a plan. The Mayor responded that making these changes does allow for just that. **Tina Johns** 5965 E Menser – Asked about page 7 where it mentions off street parking, is this really for future use because she has more concerns about current use not following this. Specifically, section B – for commercial school parking spaces, there is nothing there. Her concern is the school parking, it’s a mess. What they have is for the employees, they alone fill the spots up are we sure this is enough. She also wanted to know if the city has ever done anything to address the loading and unloading on the streets, as it backs up traffic and she can’t get through. Clerk, Lori, explained the kids are being loaded and unloaded, 3 cars at a time on the school property at the fence. The line of cars does back-up each morning and afternoon for the 15-minute time period. She specified her concern really is it blocks her from getting through and she can’t get out, is there anything the city can do, can the school be held accountable. Staff then shared, they have met with the school and have offered some

various possible solutions to a number of issues for their parcel, but it still requires money for them to make any changes. These new changes will only apply if they request changes. The Mayor asked once again, and there was no one else wanting to make comment so the Mayor closed the public hearing at 7:26pm. **The council then began deliberations.** **Kramer** started with her questions pointing out a concern about clear view triangles, as she thought the newly adopted Road standards identifies that requirement. Rand agreed that was missed and is a great opportunity to change that language now to just refer to the supplementary road standards. **Porter** also had a question regarding the same section. It was then decided to just go page by page and each councilmember can bring up any questions on the page. After a few brief discussions on various matters in the draft of the code, some minor changes were made. The attorney advised that the Mayor can re-open the hearing to see if anyone present wanted to weigh in on the minor changes' council seems to agree to. After the council went through all their comments and minor changes, the Mayor re-opened the public hearing at 7:55pm. Comment by Barry Johns 5965 E Menser – on the matter of living things or plants as a fence, it will take way more than a year to grow to any substantial, then there are maintenance issues. He believes native materials are a better option. Hearing no others, the Mayor then closed the public hearing at 7:50pm. The council began deliberating again regarding the nature of fence or landscaped fence, they decided that a fence would be required, and a 10-foot landscape was not what they wanted. Together they finalized the areas of minor changes and those they have decided to leave as presented in the draft: i.e. removing or landscaping strip; leaving the landscape architect requirements; leaving height level maximum at 35 feet; removing the clear view triangle to put the supplemental requirements (pg. 2 and 4);

ACTION ITEMS Continued:

5) Motion by Kramer to place proposed Ordinance #445, related to Commercial and non-residential design standard amendments, on its first and only reading by title only while under suspension of the rules. Roll Call: Kramer-yes; Porter-yes; Devine-yes; McDaniel-yes. Motion passed.

ACTION ITEM

Mayor then read the proposed Ordinance by Title.

AN ORDINANCE OF THE CITY OF ATHOL, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ATHOL CITY CODE BY AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-6 TO INCREASE SETBACKS AND CHANGE REQUIREMENTS FOR FENCING IN THE COMMERCIAL ZONE; AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-7 TO ADD A HEIGHT LIMIT TO STRUCTURES IN THE COMMERCIAL ZONE; AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-9 TO ADD REQUIREMENTS FOR STORMWATER PLANS, REVISE THE REQUIREMENTS FOR FENCES AND ADD REQUIREMENTS FOR SCREENING REFUSE CONTAINERS; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-5 TO CLARIFY LANGUAGE; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-6 TO INCREASE THE SETBACK REQUIREMENTS FOR THE LIGHT INDUSTRIAL ZONE, AMEND THE REQUIREMENTS FOR FENCING AND CLARIFY LANGUAGE; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-7 TO ADD A HEIGHT LIMIT AND CLARIFY LANGUAGE; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-9 TO ADD REQUIREMENTS FOR STORMWATER PLANS, REVISE THE REQUIREMENTS FOR FENCES AND ADD REQUIREMENTS FOR SCREENING REFUSE CONTAINERS; AMENDING TITLE 8, CHAPTER 12 TO REVISE THE CHAPTER TITLE; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-2 TO ADD SITE PLAN REQUIREMENTS FOR PARKING; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-4 TO ADD AND REVISE PARKING REQUIREMENTS FOR CERTAIN USES; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-5 TO CLARIFY REQUIREMENTS FOR LOCATION OF PARKING AND LOADINGSACES; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-6 TO ADD REQUIREMENTS FOR ONE-WAY DRIVE AISLES; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-7 TO CLARIFY LANGUAGE REGARDING COMPLETION OF IMPROVEMENTS; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-9 TO CLARIFY AND ADD REQUIREMENTS FOR LANDSCAPING FOR COMMERCIAL, INDUSTRIAL AND NON-RESIDENTIAL USES; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

6) DISCUSSION/APPROVAL of Ordinance #445 Commercial and Non-residential design standard amendments to the Athol City Code – Kramer then began with her answers for the conclusions of Laws. 1) The proposed amendments as modified ARE reasonably necessary and in the public interest. 2) The proposed amendments as modified ARE in general conformance with the goals and policies of the Comprehensive Plan. 3) The proposed amendments as modified WILL NOT adversely impact the delivery

of services by the City or other political subdivisions, including schools. The rest of the councilmembers agreed so she went on to make the following motion: Motion by Kramer, finding the conclusions of law as were just read, that we approve ORD #445 with the minor amendments discussed, while under suspension of the reading of the rules, and direct the clerk to publish by summary only. *DISCUSSION
Roll Call Vote: Porter-yes; Devine-yes; McDaniel-yes; Kramer-yes. **Motion passed. ACTION ITEM**

7) **DISCUSSION/ADOPTION of Kootenai County Case No: SPN24-0003, MJMB Properties Idaho LLC has requested a Special Notice Permit to allow a Trucking business in the Area of City Impact. The property is east of US 95, south of Hwy 54, and west of Sylvan Road. The trucking business is called Emerald Peak.** - Rand provided a memo and was available for any questions. The discussion surrounded numerous concerns regarding the following areas: we strongly encourage irrigated landscaping standards as required by our code, that this use is not an attractive use and would not be allowed in the city as per our code; are very concerned about aesthetics, specifically on the westside of the parcel. Noise, traffic affecting the already problematic intersections along Roberts and Hwy 54 and the off ramp, a gravel lot and the dust created by it, the lack of water to service the parcel and irrigate to keep it nice were also mentioned. Porter had prepared a list of the numerous city codes they would not be following if they were in the city they are 8-12-9 A4 & CDE; 8-12-4B; 8-8-8C-9 & BG; 8-12-7A, then the following motion was made: Porter attempted a motion but then didn't follow through with the motion so Kramer then made the following: Motion by Kramer, to direct staff to comment to the county case no SPN24-0003, regarding the concerns issues just brought up and any other non-conforming aspects of this discussion. *DISCUSSION
Roll Call: Devine-yes; McDaniel-yes; Kramer-yes; Porter-yes. **Motion passed. ACTION ITEM**

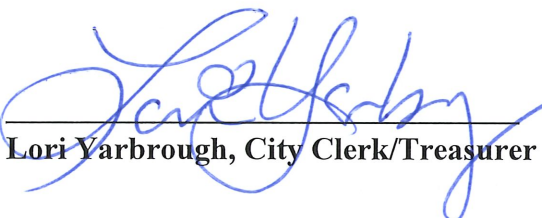
DISCUSSION: Staff request to allow ITD an access code for the commercial water hauler, at no charge; to be reviewed annually. This will allow staff to continue to build relationships with them. Mayor Ruch shared this would be very similar to what we had discussed doing with Lakes Highway District, until we found out they don't need/use water anymore. Kevin has been working with them on things, for example the pedestrian crossings and stop signs around town, so we would like to open a commercial water hauling account for ITD for a year at no charge and review it after a year. After a very short discussion, the council all felt that would be ok to try for a year. Staff will get it set up.

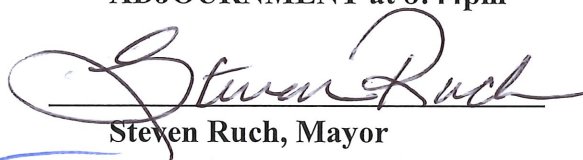
ANNOUNCEMENTS: City Council -Porter – asked Lori if the agendas are posted on the city website, as she hasn't ever looked; she responded by saying yes, she posts them in 4 places generally on Friday. That is on the city hall door, outside city hall in the glass case near the front door, at the post office and on the city website. / Mayor – none / **Staff Lori** – ITD reached out regarding the upcoming Highway 54 road project and wanted to know if the city would like to meet with them and how just to keep in touch with them about the project. She wanted to know if any of the council was interested in attending that meeting or just staff. Councilwoman Kramer and Porter we both interested in attending. Lori said she would keep them up to date when something got scheduled. & **Kevin** – nothing.

PUBLIC COMMENTS: None

ADJOURNMENT at 8:44pm

ATTEST:


Lori Yarbrough, City Clerk/Treasurer


Steven Ruch, Mayor

Approved at Council on 6/4/2024