



CASCADE CITY COUNCIL
SECOND REGULAR MEETING
November 25, 2019 at 6:00 pm
Cascade City Hall

MINUTES

CALL TO ORDER AND ROLL CALL

The meeting of the Cascade City Council was called to order at 6:00 P.M. Council members Tom Byrne, Cynda Herrick, Rachel Huckaby and Denise Tangen were present. Quorum exists.

Also present: Heather Soelberg City Clerk
Matthew Johnson City Attorney

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

AMENDMENTS TO MEETING AGENDA

No Motion to Amend the Agenda.

PUBLIC COMMENT

Public comment is limited to three (3) minutes per person, per item, unless additional time is permitted by the presiding official. The City Council does not take any action or make any decisions during public comment. To request Council action during at Council meeting, contact City Clerk at least one week in advance of a meeting.

No Public Comment

PUBLIC HEARING

VAC 19-02 CARON DENNETT/KEVIN LLOYD

Staff presented VAC 19-02 Caron Dennett/Kevin Lloyd. The applicants were requesting a vacation of a portion of Pipeline Drive adjacent to lots 9 and 29 on one side of Pipeline Drive, and is adjacent to lots 8 and 30 on the other side. That applicant is now requesting vacating ONLY the portion of Pipeline Drive adjacent to lots 9 and 8. Adjacent property owners T. Ellis and J. Crosby provided written consent to the vacation of this portion of Pipeline Drive. Adjacent property owners T. Ellis and J. Crosby amended their written consent to the vacate only the property of adjacent to Pipeline Drive at Lots 8 and 9.

APPLICANT: Applicant was present via telephone and reiterated staff comments, confirming Applicant was only request the vacate of Pipeline Drive at Lots 8 and 9.

WRITTEN CORRES. Adjacent Property owners T. Ellis and J. Crosby have provided written consent to the vacation of this portion of Pipeline Drive. Adjacent Property Owners T. Ellis and J. Crosby amended their written consent to the vacate only the property of adjacent to Pipeline Drive at Lots 8 and 9.

PROPONENT: J. Crosby confirmed they were in agreement to the vacation of the portion of Pipeline Drive at Lots 8 and 9.

NEUTRAL: None

OPPOSED: None

REBUTTAL: None

VAC 19-02 CARON DENNETT/KEVIN LLOYD

DISCUSSION: City Council was meeting was closed

MOTION BY: Cynda Herrick **SECOND BY:** Denise Tangen

MOTION TO APPROVE VACATION 19-02 UPON RECENT OF THE SIGNED FINDINGS OF PLANNING & ZONING.

DISCUSSION: No further discussion.

ALL IN FAVOR: Tom Byrne Yes Rachel Huckaby Yes
Denise Tangen Yes Cynda Herrick Yes

Motion Passed

AMENDED BUDGET FOR FISCAL YEAR 2018-2019

City Clerk presented the Amended Budget for the 2018-2019 Fiscal Year. The expenditure for the Planning & Zoning (and Building) department had expenses totally \$83,206, an amount over the budgeted amount of \$53,385. The budget needed to be amended to account for those expenditures. Discussion regarding the expenses. Discussion regarding the revenue.

WRITTEN CORRES. None

PROPONENT: None

NEUTRAL: Note

OPPOSED: Noe

REBUTTAL: Note

ORDINANCE NO. 701 – AMENDED BUDGET FOR FISCAL YEAR 2018-2019

DISCUSSION: City Council was meeting was closed.

MOTION BY: Cynda Herrick **SECOND BY:** Tom Byrne

MOTION TO SUSPEND THE READING OF ORDINANCE NO. 701, AND READ BY TITLE ONLY

DISCUSSION: No further discussion

ALL IN FAVOR: Tom Byrne Yes Rachel Huckaby Yes
Denise Tangen Yes Cynda Herrick Yes

Motion Passed

ORDINANCE NO. 701 – AMENDED BUDGET FOR FISCAL YEAR 2018-2019

DISCUSSION: Mayor Nissula read the ordinance by title only: An Ordinance entitled the Annual Appropriation Ordinance for the fiscal year beginning October 1, 2018, appropriating the sum of \$3,303,396 to defray the expenses and liabilities of the city of cascade for said fiscal year, authorizing a levy of a sufficient tax upon the taxable property and

specifying the objects and purposes for which said appropriation is made.

MOTION BY: Cynda Herrick

SECOND BY: Tom Byrne

MOTION TO APPROVE ORDINANCE 701 – AMENDED BUDGET ORDINANCE

DISCUSSION: Matt Johnson identified that the Ordinance needed to be corrected prior to publishing re the correct amount.

ALL IN FAVOR: Tom Byrne Yes Rachel Huckaby Yes
Denise Tangen Yes Cynda Herrick Yes

Motion Passed

FEE SCHEDULE

City Council was closed and the Public Hearing was opened. With the change to Xpress Bill Pay (with the Caselle Pay module) the City will need to implement new fees to cover merchant fees charged for processing credit cards. Previously with Idaho Payport, Idaho Payport directly passed on those fees to the consumer. These fees are similar to the fees of \$1.00 plus 3%. The public hearing for the new fee scheduled is set for the second regular meeting in November. Discussion regarding how fees will be assessed.

WRITTEN CORRES. None

PROPONENT: None

NEUTRAL: None

OPPOSED: None

REBUTTAL: None

RESOLUTION NO. 19-20 FEE SCHEDULE

DISCUSSION: Public hearing was closed.

MOTION BY: Rachel Huckaby

SECOND BY: Tom Byrne

MOTION TO ADOPT RESOLUTION 19-20 ADOPTION THE NEW FEE SCHEDULE

DISCUSSION: No further discussion.

ALL IN FAVOR: Tom Byrne Yes Rachel Huckaby Yes
Denise Tangen Yes Cynda Herrick Yes

Motion Passed

NEW BUSINESS

BLM EASEMENT REQUEST

DISCUSSION: Mayor Nissula presented the request from the BLM for access through City property to the BLM property located along with river at the location of Riverview Subdivision. Discussion regarding the location of the property, and why they are asking for such an easement. Discussion regarding why the property is owned by the City, clarification it is an extension of the Airport runway. Request from the

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- ii. Idaho Code § 50-222 sets out the power and bulk of procedure. Not LLUPA.
 - iii. Procedure is contingent upon size, contiguity, and consent.
 - iv. 50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.
 - v. Cascade City Code 3-1-14(A)(5) sets forth City procedure.
 - vi. Requires a P&Z recommendation (also required by IC 67-6525) and public hearing.
 - vii. Initial zoning designation is typically included.
 - viii. Public hearing before Council is required. [CCC 3-1-14(A)(5)(c)].
 - ix. Comprehensive Plan provides guidance. Frequently may include proposed Comprehensive Plan amendments as well (additional process).
 - x. Though technically outside LLUPA, there is usually a zoning component involved as well, so recommended practice is to use a Findings of Fact, Conclusions of Law, and Order to set forth reasoning and to satisfy any possible applicability of IC 67-6535.
 - xi. Annexation is formalized by ordinance.
 - xii. Legislative nature opens the door for development agreement requirement.

B. Development Agreement

- i. Contract between City and Developer establishing certain terms of development. Assurances for all parties.
- ii. May be used as way to address concerns or incentives sufficient to help City feel it is in City's interests to annex and designate zoning.
- iii. Specifically authorized as applicable to rezoning. Idaho Code §67-6511A.
- iv. Cascade City Code Title 3, Chapter 7: Development Agreements.
- v. Conditions grounded in the Comprehensive Plan and general zoning standards. CCC 3-7-3(A)(2).
- vi. Generally broad authority for City to negotiate and require conditions of development as a way of addressing standards and development concerns. Can also include timing requirements to ensure orderly development.
- vii. Examples of Conditions/Commitments:
 - Phasing and/or timing plan
 - Performance commitments/guarantees
 - Contributions (financial and/or improvements)
 - Dedications (public area, parks, roads, etc.)
 - Applicability of standards

C. Zoning

- i. Establishment of zones is a legislative act. Rezoning as to a particular property though takes on quasi-judicial tones (individual applicant, review in relation to standards).
 - ii. Idaho Code § 67-6511 sets up zoning districts approach, some process, and authority for City to handle.
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- iii. Cascade City Code Title 3, Chapter 1 establishes zoning districts (9) and applicable land uses and standards, as well as further details on procedure.
- iv. Idaho Code 67-6511A specifically authorizes development agreements as a condition of rezoning.
- v. Special/conditional use permits – additional process to consider certain land uses under conditions or address unanticipated proposed land uses.

D. Subdivision

- i. Subdivision ordinance is authorized by Idaho Code 67-6513. More specifics on plats are governed by Idaho Code Title 50, Chapter 13.
- ii. Cascade City Code regulates under Title 3, Chapter 2.
- iii. Preliminary plat v. final plat.
- iv. Application + fee >> Administrator review for completeness >> Technical review committee recommendation* >> P&Z, with public notice and hearing
- v. Preliminary plat to Council by appeal or upon special circumstances. Final plat is decided by Council [CCC 3-2-3(D)(6)].
- vi. More quasi-judicial process with applicability of many standards (design, improvements, infrastructure, building, etc.); much more detailed and technical; therefore typically handled much more at the administrative level early.

E. Planned Unit Development (PUD)

- i. Special category of development wherein multiple uses contemplated in area under single ownership or control.
- ii. Cities authorized to provide for and regulate under Idaho Code 67-6515.
- iii. Cascade considers PUDs as special development subdivisions and regulates under CCC 3-2-6.
- iv. However, Cascade also regulates PUDs subject to the zoning ordinance requirements, so PUDs go to the P&Z for recommendation and then on to the Council for decision. CCC 3-2-6(C)(1).
- v. PUDs allows for some flexibility on standards to address the larger, mixed-use nature of the development.

ADJOURNMENT

MOTION TO ADJOURN 7:52 pm

ALL IN FAVOR:	Tom Byrne	<i>Aye</i>	Rachel Huckaby	<i>Aye</i>
	Denise Tangen	<i>Aye</i>	Cynda Herrick	<i>Aye</i>

MEETING ADJOURNED:

Respectfully submitted and Attested by, Approved

Heather M. Soelberg

 Heather M. Soelberg, Clerk/Treasurer

 Judith R. Nissula, Mayor