

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

City Council to have obtain additional information. Request for AAC

input.

PLANNING & ZONING APPOINTMENT - DONALD "PADDY" WARREN

DISCUSSION: Mayor presented Paddy Warrant for appointment to the Planning &

Zoning Commission.

MOTION BY: Denise Tangen **SECOND BY:** Tom Byrne

MOTION TO APPROVE THE APPOINTMENT OF DONALD "PADDY" WARREN TO THE

PLANNING & ZONING COMMISSION.

DISCUSSION: Request to know the term for Mr. Warren

ROLL CALL: Yes Rachel Huckaby Tom Byrne Yes

> Denise Tangen Yes Cynda Herrick Yes

Motion Passed

START-UP IDAHO PHILIP BENNET LEASE AMENDMENT REQUEST

DISCUSSION: Mayor Nissula presented the request by Philip Bennet Lease to amend

> the Lease dated August 13, 2019. Mayor Nissula provided historical data on the lease of the 1480 Main Street. Bennett has requested that the City amended the Lease to reflect the electrical payment to be transferred into his name and pay 100% of the power bill and bill the City for one half of the utility bill at any time the Vac Truck is being stored in that space with the heater one. Discussion regarding the South power of the building. Discussion regarding the current lease language. Discussion regarding whether or not the lease identifies the square footage. Discussion regarding the fact that Exhibit A was never clarified. Discussion that the lease clearly states that the power bill is

to be in tenant name. Clarification that an Exhibit A needs to be agreed upon and incorporated within already approved lease.

MOTION BY: Cynda Herrick **SECOND BY:**

MOTION TO APPROVE THE EXHIBIT A AS PRESENTED TO THE COUNCIL AND INCORPORATE INTO THE LEASE, AS WELL AS CONTINUE TO ENFORCE THE SECTION 6.3.

DISCUSSION: No further discussion.

ALL IN FAVOR: Tom Byrne Yes Rachel Huckaby No

> Denise Tangen Cynda Herrick Yes Yes

Motion Passed

NEW BUSINESS - DISCUSSION ONLY

STATUS REPORT FOR RIVER DISTRICT

DISCUSSION: Matt Johnson provided a status report to the City Council as the

> current status of the River District Application, including the needs to schedule a workshop with the City Engineer Paul Scoresby to discuss the water and wastewater reports for the River District application.

Discussion regarding Scoresby's visit being originally scheduled for the purpose of overview the sample well sites for the IPDES Permit. Discussion regarding schedule availability for Council during Scoresby's visit. Confirmation that December 5, 2019 availability for a workshop meeting with Scoresby.

CONSENT AGENDA

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

APPROVE THE FOLLOWING CONSENT AGENDA ITEMS:

DISCUSSION: No further discussion.

ROLL CALL: Tom Byrne Yes Rachel Huckaby Yes

Denise Tangen Yes Cynda Herrick Yes

Motion Passed

APPROVAL OF BILLS FOR THE UNPAID INVOICE REPORT DATED NOVEMBER 25, 2019

DISCUSSION: No further discussion.

APPROVAL OF PAYROLL REPORT FOR PERIOD ENDING NOVEMBER 9, 2019

DISCUSSION: Discussion regarding the Comp Time Paid clarification, this is when an

employee used comp time they have earned and used as leave time.

APPROVAL OF FINANCIAL REPORT FOR OCTOBER, 2019

DISCUSSION: Councilmember Herrick inquired about the Water and Wastewater

Operating Supplies expense, request to transfer the Caselle charge to

Utility Billing Expenses.

APPROVE CITY COUNCIL MINUTES DATED NOVEMBER 12, 2019 WITH CORRECTIONS.

DISCUSSION: Councilmember Herrick had a clarification regarding the ITD.

Councilmember Huckaby and Tangen had corrections.

WORKSHOP

PROCEDURAL INFORMATION AND BACKGROUND ON SUBDIVISION, PUDS AND DEVELOPMENT AGREEMENTS PRESENTED BY MATT JOHNSON, CITY ATTORNEY

Matt Johnson provided educational presentation as outlined below:

Preliminaries:

- A. Legislative versus Quasi-Judicial
- B. LLUPA Decisions Based Upon Standards and In Writing (Idaho Code § 67-6535)

Process and Authority:

- A. Annexation.
 - i. Annexation is a legislative act: a policy decision whether or not to bring land outside the municipality into the municipality with the rights associated with such.

- 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 § 67-6511sets up zoning districts approach, some process, and authority for City to handle.

- Cascade City Code Title 3, Chapter 1 establishes zoning districts (9) and iii. 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.
- Special/conditional use permits additional process to consider certain land v. uses under conditions or address unanticipated proposed land uses.

D. Subdivision

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

E. Planned Unit Development (PUD)

- Special category of development wherein multiple uses contemplated in area under single ownership or control.
- Cities authorized to provide for and regulate under Idaho Code 67-6515. ii.
- Cascade considers PUDs as special development subdivisions and regulates iii. 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).
- PUDs allows for some flexibility on standards to address the larger, mixedv.

use r	nature of the devel			
ADJOURNMENT				
MOTION TO ADJOURN 7:52 pm				
ALL IN FAVOR:	Tom Byrne	Aye	Rachel Huckaby	Aye
	Denise Tangen	Aye	Cynda Herrick	Aye
MEETING ADJOURNED:				
Respectfully submitted and Attested by,			Approved	
Heather M. Soelberg				
Heather M. Soelberg, Clerk/Treasurer			Judith R. Nissula, Mayor	