



CASCADE CITY COUNCIL
First Regular Meeting and Public Hearings
Monday, September 13, 2021
6:00 PM
Cascade City Hall
MINUTES

CALL TO ORDER AND ROLL CALL Meeting called to order at 6:00 pm

Present Council Members Ron Brown, Cynda Herrick, Rachel Huckaby, Denise Tangen
A **quorum** was present.

Present in person Judith Nissula, Mayor Heather Soelberg, Treasurer
Janice Van Winkle, Clerk

PLEDGE OF ALLEGIANCE

Moment of silence in remembrance

Add to agenda – Blue Cross letter of grant support

Motion by Cynda Herrick to add the Blue Cross letter of support for the Healthy Aging in Place project due to its time sensitive nature.

Seconded by Rachel Huckaby

Roll Call Yes, Ron Brown Yes, Cynda Herrick
Yes, Rachel Huckaby Yes, Denise Tangen

Motion passed.

PUBLIC COMMENT

Council Member Huckaby informed the Council that Shauna Arnold will be receiving an award for the AARP Idaho Volunteer of the year on Thursday, September 16, 2021 at the Horizons art center.

Ron Brown - what is the status of painting and fencing for the wells that are covered by the DEQ source water protection grant.

Status of housing development between Leisure Time and City Property.
RFP, RV use and Accessory dwelling units.

DEPARTMENT REPORTS

Building Inspector/Code Enforcement

Printed copy of August activity enclosed.

City Clerk

Report presented as written by City Clerk, Janice Van Winkle. Status of City land leases and agreements, LOT administration procedure, active and denied permits, park reservations, water billing, and new or revised services connections. First Latecomer's Agreement invoiced for the Hinken's hangar.

Library Manager

Presented by Rich Butterfield. Add Sherry Schleine as temp manager to help transition to a full-time manager to the newsletter.

Public Works

Printed copy of report included in Council Packet. The Huber screen has been installed. The installation electrician suggests that we “house” the unit as other examples of winter exposure that have shown that using heat tape alone will fail.

Sheriff’s Office

Printed reports given to Council members.

Council Member Herrick had questions regarding a September 4, 2021 event. Does the City pay for this?

Council Member Tangen still has questions regarding “verbal warnings” The Mayor invited Council Member Tangen to reach out to the Sheriff independently.

SPECIAL COMMITTEE REPORTS

Airport

No report given.

Sports Park

No report given.

COMMUNITY REPORT/S

Hospital – written by Tom Reinhardt and read by Mayor, Judith Nissula.

NEW BUSINESS

AB 21-118 Cobb – Encroachment Permit

(Action Item)

Mayor Nissula read the letter for “easement approval” that was submitted by Mr. Cobb at request of the City Council at the public hearing where the Cobb land use application was presented.

Council Member Herrick asked for clarification on the location of the drain field. She is willing to include a 10’ easement with the understanding that if sewer were installed, he would be required to connect to them.

The mayor conveyed to the Council the letters from the City Attorney and City Engineer, who both agree that this is an “encroachment” and not an easement, recommend a denial.

Council Member Tangen is in support of both the City Attorney and City Engineers recommendation and believes that we should take the advice of the professionals representing the City. Council member Tangen asked for additional information from Mr. Cobb who reiterated his reasons that a larger drain field would allow his 1-bedroom home with den and library, to be considered a three-bedroom home. Mr. Cobb currently has approval from Central District Health to install a septic for a one-bedroom home. Though he can build within his own property lines, without the extra footage encroachment he could only call his home a 1-bedroom house. Council Member Tangen believes that there are other options.

Mayor Nissula reminded Council that the first two vacation requests were denied in order to maintain emergency access to the area.

Mayor Nissula had to interject that this is not a public hearing; Council is in discussion

Motion by Cynda Herrick to approve an encroachment permit with the condition that if City sewer goes by, (Mr. Cobb) will connect at his own cost.

Seconded by Ron Brown

The mayor clarified that any encroachment permit should be drafted by the City Attorney. The City Attorney is the one that will have to make an argument in the future. Engineering Costs and Attorney costs will need to be passed through (to the homeowner).

City Attorney, Matt Johnson, joined the discussion. Council Member Huckaby asked for clarification on the easement vs encroachment. The City Attorney summarized that an encroachment permit allows for clear conditions that would allow the encroachment of the drain field, if the City uses the property, they can reclaim their use and the encroacher would have to remove the drain field. An easement would allow for the drain field to remain in perpetuity. An encroachment permit requires the removal of any encroachment. The City Attorney asked the homeowner if he had reached out to Central District Health for direction.

Council Member Huckaby asked for the motion to be re-read prior to the roll call.

After reiterating the motion, Councilmember Huckaby asked for Councilmember Herrick to amend her motion to include a maximum of ten (10) feet.

Amended Motion by Cynda Herrick to approve the encroachment permit for a maximum of 10' subject to a condition that says that if a sewer line goes through, he (Mr. Cobb) will connect to it at his own expense.

Council member Ron Brown asked for Councilmember Herrick to amend her motion to include all legal fees.

Mayor Nissula indicated that it (the motion) should include if the City needed use "for any reason". For example, putting in a road.

Amended Motion by Cynda Herrick

My motion was to approve an encroachment permit subject to a condition that says if the sewer line goes through, he has to connect. It is a ten (10') encroachment and he has to pay for all legal fees to right that encroachment permit."

Mayor Nissula asked that City Attorney if it was in the scope of the Council to make this decision?

City Attorney, Matt Johnson, affirmed that the Council is expressing its willingness to allow an encroachment that allows for a drain field as proposed. Where it goes after that is going to be up to Central District Health in that they will make a determination of what is allowed for the size of septic in relation to the home size and occupancy.

The City Attorney recommends that Council make a motion to approve and direct staff to prepare an encroachment permit allowing for the drain field on the terms proposed – connecting to a future sewer line, encroachment within the 10', all fees paid, etc. The City Attorney will then work with the applicant to create a draft agreement that can be taken to Central District Health for approval. If CDH is willing to accept the agreement, a formal encroachment document would be created by the City Attorney who will work with Council on a final signoff.

Seconded by Denise Tangen

Roll Call Yes, Rachel Huckaby Yes, Denise Tangen
Yes, Ron Brown Yes, Cynda Herrick

Motion passed.

AB 21-123 CMC Home Health Market feasibility study letter of support. (Action Item)

Motion by Cynda Herrick to approve Resolution No. 21-14 to draft a letter of support and authorize the mayor to sign.

Seconded by Rachel Huckaby

Roll Call Yes, Denise Tangen Yes, Ron Brown
Yes, Cynda Herrick Yes, Rachel Huckaby

Motion passed.

AB 21-124 Zwygart John CPA – Understanding of Services (Action Item)

Motion by Cynda Herrick to approve the Understanding of Services agreement with Zwygart John, CPA with the increased fee of \$8900.00

Seconded by Rachel Huckaby

Roll Call Yes, Ron Brown Yes, Cynda Herrick
Yes, Rachel Huckaby Yes, Denise Tangen

Motion passed.

Approve – Blue Cross letter of grant support

Motion by Cynda Herrick for the City of Cascade to act as administrator

Seconded by Rachel Huckaby

Roll Call Yes, Cynda Herrick Yes, Rachel Huckaby
Yes, Denise Tangen Yes, Ron Brown

Motion passed.

CONSENT AGENDA

Payment approval report through September 10, 2021 (Action Item)

Motion by Rachel Huckaby to pay the payment approval report in the amount of \$91,945.86 with an additional \$7101.00 to Idaho Power.

Seconded by Cynda Herrick

Clarification asked regarding window replacements on City vehicles.

Roll Call Yes, Rachel Huckaby Yes, Cynda Herrick
Yes, Denise Tangen Yes, Ron Brown

Motion passed.

Payroll Register reports for September 1, 2021 (Action Item)

Motion by Rachel Huckaby to approve payroll report ending August 28, 2021.

Seconded by Ron Brown

Roll Call Yes, Rachel Huckaby Yes, Denise Tangen
Yes, Ron Brown Yes, Cynda Herrick

Motion passed.

August Financials

(Action Item)

Motion by Rachel Huckaby to accept the August 2021 financials.
Seconded by Denise Tangen

Roll Call Yes, Denise Tangen Yes, Ron Brown
 Yes, Cynda Herrick Yes, Rachel Huckaby

Motion passed.

Approval of August 23, 2021 Meeting Minutes

(Action Item)

Motion by Denise Tangen to approve the minutes for Monday, August 23, 2021.
Seconded by Rachel Huckaby

Discussion The City clerk will revisit the recording of the minutes to clarify the discussion related to affordable housing, an RFQ, use of RV's as transitional housing, accessory dwelling units and deeded restrictions.

Motion amended by Denise Tangen to table the approval of the August 23, 2021 minutes.
Seconded by Rachael Huckaby

Roll Call Yes, Ron Brown Yes, Cynda Herrick
 Yes, Rachel Huckaby Yes, Denise Tangen

Motion passed.

MAYOR'S REPORT

Parking spot in front of D-9 cannot be "closed" but can be re-stripped. Re-stripping will also be done in front of the school for parallel parking and not diagonal parking which takes up too much space.

The Smart Water Grant program has money that the City can apply for that could potentially be paid for by ARPA funds. These monies can be used to replace water meters. There is an additional educational fund that would help finance incentives for citizenry xeriscaping. ARPA funds can be used as matching funds and to finance "in kind" work.

City shop will require some architectural work. It was discussed that there are multiple metal buildings in the County and that the City should look at whether there is a like design that could be used.

It has been brought to the attention of the City that the (Huber) bar screen needs to be housed to avoid winter damage.

Per the electrician, downtown lighting will require GFI 's.

It has not been determined where the leak is or if there is a leak on Spring Street. Brad Sayers opinion is that water from an injection well is leaching down the road and surfacing near the courthouse. They Mayor will follow up on this.

On Tuesday the 14th, the AARP will be videoing the Strand so see their grant monies at work.

ADJOURNMENT by Mayor Nissula at 8:23 pm.