



CASCADE CITY COUNCIL
First Regular Meeting and Public Hearings
Monday, June 13, 2022
6:00 PM
Cascade City Hall
AMENDED MINUTES

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

Present Council members Ron Brown, Jason Speer, Denise Tangen, Rachel Huckaby
A **quorum** was present.

Staff present Judith Nissula, Mayor Steve Yamamoto, Public Works
Janice Van Winkle, Clerk Darryl Shephard, Building Department
Peggy Breski, Planning Trevor Howard, Engineer
Andrea Nelson, City Attorney

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Aaron Cook 513 LaFever
Regarding budget, how are the new, elevated property assessments effected by Sheriffs office being under contract and paid through property taxes?

Michael Powell Valley Bait and Tackle
Aquarium is dirty, fish could not be seen. He would like to adopt the aquarium at no cost with the exception of chemicals.

PUBLIC HEARINGS

CUP #22-01 Conditional Use Permit for Cascade Market Place (farmer's market)

Mayor asked Council asked for conflict or ex parte discussions. There was none.

Staff report presented by Peggy Breski, contract planner for the City, who summarized the CUP 22-01 application for a farmer's market to be in operation from Memorial Day through Labor Day – Fri-Sun 9 am to 2 pm and her comprehensive analysis on the proposed use and its compliance to code.

Due to the temporary nature of the event setup, and location between buildings nuisances do not exist at this time. Staff recommends approval of this project with conditions that applicant follow the design of the project as presented and that applicant and vendors remain in compliance with all city code and requirements (as well as code not outlined in the CUP) of the City of Cascade and other applicable agencies such as Central District Heath and the Cascade Rural Fire district. Applicants will be responsible for trash management and trash removal and all maintenance of the site as well as the additional condition of approval that if event expands out into the public right of way (including signage) ITD will step in.

COUNCIL QUESTIONS

Application says 10 x 10, drawing shows 12 x 12 spaces.

Applicant presentation

Saturday and Sunday marketplace only. 9 am to 2 pm
Returning members (from airport Flea Market).
Applicant read through the Cascade Marketplace rules that they have established for tenants.

Cathy Hull offered to mark off some parking at the Dodge business.
Each vendor is subject to the business license requirement and vendor seasonal permit.
Stalls will be labeled.
Grey water or grease...it must be removed from the site....not dumped on the ground.
Considered adding hand washing stations as they grow.
Shaved ice vendor will be present 7-days per week and open during the week beyond weekend hours. This is a trailer.

Testimony For

None.

Testimony Neutral

Jeff Tyler 112 N. Main St.
It will be a good thing for the town. A lot of his questions were answered by the applicant.
Will the vendors pay an event fee each week?
Will they be required to have a business license and collect 1% LOT tax
Are bathrooms required?
Owners should take into consideration existing vendors when selecting vendors.

Daniel Mach 101 N. Main St.
Questions were answered.
Take local business into consideration.

Testimony Against

None.

Applicant rebuttal

Mayor cautioned to not bring NEW information into the rebuttal.
No rebuttal form applicant.

The mayor closed the public hearing at 6:45 pm and open to Council for discussion.

CUP #22-02 Conditional Use Permit for a 20' animated (marquee) sign

Mayor opened the hearing at 6:56 pm

Mayor has asked for exparte conflicts from Council Members.

Council Member Jason Speers had conflict...was on the school board at the start of the signing project.
Has not been on the school board since December.

Mayor Nissula disclosed that she had been approached by a citizen on June 6th and asked her opinion and she requested that they right a letter or attend the public hearing.

Council Member Ron Brown overheard general conversations but was not directly involved in the conversations.

Staff report presented by City Planner, Peggy Breski. The CUP application was summarized as a full color, two sided, animated graphic in full color and brightness. Written submittals not in favor of the sign and in favor of the sign were presented. Cynda Herrick as a resident, has concerns related to dark sky compliance. Cynda Herrick as chair of the Payette River National scenic byway committee; the sign may not enhance the byway experience but may provide something to the city.

There was no response from the applicant to staff when they were questioned about their flexibility related to the brightness of the sign.

Applicant did not provide all information requested by the City.
0.3 maximum "candles" will be required. Current city code is on the lower end of the candle spectrum.

Significant impacts of the sign:

Not in keeping with the preservation of the character of a small city.

Physical scale is compliant with code (90 sq. ft. on one side) just under .5 under.

However, it is excessive visually. The presence is larger than the surface shown.

The sign will be very bright, very obtrusive. It is large and lights will be moving and there are concerns for drivers and pedestrians.

The results of this sign, if approved, could cause other applicants for signing to have a negative impact by further bright signing.

Environmental impacts and staff recommendations are:

Proposed sign does not fit within the context of the downtown area.

Exhibit A – minor re-design of sign.

Convert pedestal of sign to a pole.

Reduce cascade logo at top to something smaller – less visibly obtrusive.

Exhibit E – shows proposed sign and modified sign.

Page 3 – stop animated movement at dark;

staff recommendation TURN OFF COMPLETELY after dark.

Page 4 – sign samples with simple pole vs. pedestal is the best standard practice.

As a condition of approval, staff recommends redesign of sign.

As a condition of approval, sign is too bright, needs to comply with universally accepted standards.

Staff recommends denial of variance request for brightness and maintains that 0.3’ candles are recommended.

Programming details not provided by applicant.
City could establish and direct desirable for programming.

ITD comments and compliance requirements were not provided by the applicant.
These must be provided to the City for review.

Recommendation - Considerations toward school district and city partner on messaging.
Council may desire a different location of the sign.
Consideration of proximity of sign to school.

Questions from Council.

When are ITD comments expected. ITD reserves the right to remove sign used for school message only. If changed, “allowance” lost. The planner would like to see ITD’s other comments regarding this. Recommendation “on” at day, “off” at night. Recommend variance for brightness not be allowed. Variance of sign allowed with modifications recommended.

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| Color and type | Recommends approval |
| Brightness | Recommends denied |
| Size | Modifications necessary |

This is a detailed and important decision...staff recommends that Council table and discuss further.

Applicant presentation by Kevin St. John (Cascade School District). Feels that sharing sign with the city could cause some friction.

The Mayor asked if the sign had been purchased. Kevin replied, YES, it had been purchased.

Staff planner Breski asked if the modifications could be made.

Council Member Ron Brown asked what the set-back was from the highway center.

Public Comment

For

Karen Thurston

Commented that the state did issue the permit. The community wants this sign. Facebook and social media do not do enough and address the older population.

Cynda Herrick 305 N. Overlook

Would like to see the sign. Does not think the school need to reinvent the sign as it is already purchased.

Neutral

Jeff Tyler 112 N. Main St.

There is an abundance of signs in town that are not being kept in compliance. These need to be looked at too.

John Howard 855 S. Main St.

Small school, big sign. Perhaps road closures could be announced on the sign?

Against

None.

Applicant rebuttal by Kevin St. John.

There was none.

The mayor closed the public hearing at 7:49 pm

DEPARTMENT REPORTS

Airport

Engineer of the snow removal equipment (SRE) building discovered that the sewer line is under the proposed building site.

Building Inspector/Code Enforcement

Building permit summary distributed to Council.

Clerk

The clerk reported the status of airport hangar leases, water billing shutoffs, active permits, active park reservations and LOT revenue YTD.

Library

Maria Guest introduced herself and presented her report. Library will not be open for another month or two; no flooring. Sheet rock water damage and current contractor is not working at this time. Two additional contractors are coming in for sheetrock. Seeking volunteers to help the building. The Concrete at the entry of the library is a trip hazard and needs to be prepared. The most cost effective solution will be sought. The roof continues to look – new roof or repair? Electrical work and sheet rock work is currently in progress.

The summer reading program is in motion. Friends of library will be planting and volunteers are needed.

Public Works

(2) major pipe breaks on service lines have been repaired, grading will occur before July 4th and the roads will have mag chloride applied. Sawyer St. has been touched up, Cabarton PRV building has new stairs. One employee moved on and another FT employee has been hired. Steve and Karl are working on the parks.

Working with airport on moving the SRE building footprint. Sewer or gravity feed lines (city or hangars) will be encroached upon if the SRE building is not placed in the proper place.

Fire Chief Hull

Impact fees are still being researched. District has no ordinance authority. Rural fire is working with the County. Ready to come to the public hearing phase with City and County. City Attorney currently has the impact fee data.

Council had no questions at this time.

Sheriff's Office

Written report distributed to Council.

AB 22-110 Conditional use permit #22-01 for Cascade Marketplace (Action Item)
Discussion amongst Council who had basic questions – must comply with all regulations and comply with city rules and regs. Per city planner these items can still be listed.

Motion by: Ron Brown to approve CUP 22-01 for Cascade Market Place “Farmers Market” with staff recommended conditions of approval as outlined in staff report including appropriate handling of waste water and grey water.

Seconded by: Rachel Huckaby

Roll Call Yes, Rachel Huckaby
It is a great idea.
Yes, Ron Brown
We need to promote growth.
Yes, Denise Tangen
It would be an asset and does not see issues at this time.
Yes, Jason Speer
It seems to dovetail into the current business plan.

Motion passed.

AB 22-111 Conditional use permit #22-02 – 20’ animated (marquee) sign (Action Item)
Discussion Council member Huckaby has sign on her wish list.

Council member Speer believes that brightness can be changed. He feels it should be able to stay on at night but that the brightness and flashing can be modified.

Mayor has an opinion and will only vote in a tie. She has an opinion on grandfathered signs. As bulbs go out, ordinance calls for them to come into compliance. She is compassionate about the dark sky ordinance. It is a great draw for the City. Mayor is hesitant to make too many exceptions to this sign as it can effect future signing requests and does not want to see exceptions when the dark sky ordinance was just passed.

Council member brown commented that the sign has already been ordered and sitting in inventory, but he would recommend working with the sign manufacturer to decrease voltage and brightness.

The contract city-planner, Peggy Breski, does not recommend approval of the sign without modifications and conditions related to candle brightness and post/base size and cautioned the Council when making their decision to consider future signing.

Motion by: Jason Speer to approve the sign directing the school work with the city building department to mitigate dark sky ordinance as best can be done with the sign already enroute. Holding it to 3.3 foot candles for the sign, approving the variance for the full color display, allowing it to stay on as long as it complies with the 3.3 foot candles and the dark sky.

Seconded by: Denise Tangen

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| Roll Call | Yes, Ron Brown | It good for the city. |
| | Yes, Denise Tangen | It good for the school to have a presence on Main St. |
| | Yes, Jason Speer | Allows the school to communicate with the city. |
| | Yes, Rachel Huckaby | The school needs a presence on Main St. |

Motion passed.

AB 22-112 Animal Ordinance No. 719 repeal and replace – First Reading (Action Item)

Mayor Nissula introduced the ordinance for the first reading. This ordinance is up for adoption or not for adoption. The mayor performed the first reading of the ordinance in full.

Discussion: Council member Huckaby does not believe that the penalty is high enough.
Fine of \$150 as a penalty.
Infraction level of fines is smaller.
Misdemeanors can be fined up to \$1000 in court costs.

Council member Tangen preferred the original ordinance. She does not agree with the process as it is occurring. She feels that earlier meetings had a majority of people against an ordinance to not feed.

Council member Huckaby commented that the people for an ordinance to not feed incorporating written and oral testimony has the majority.

Motion by: Rachel Huckaby to waive the second and third readings of Ordinance No. 719.

Seconded by: Ron Brown

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| Roll Call | No, Denise Tangen | Yes, Jason Speer |
| | Yes, Rachel Huckaby | Yes, Ron Brown |

Motion passed.

Motion by: By Rachel Huckaby to adopt ordinance No. 719

Seconded by: Ron Brown

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| Yes, Jason Speer | Yes, Rachel Huckaby |
| Yes, Ron Brown | No, Denise Tangen |

Motion passed.

AB 22-113

City Shop Update

(Action Item)

City Engineer, Trevor Howard presented the new city shop status and asked Council if they wanted to proceed with the City Shop.

Council member Huckaby asked for a reiteration of the engineering costs and building costs.

Council member Speer asked if the building would support a gantry hoist.

Council member Brown questioned the availability of heating. The City Engineer confirmed that heating was not included in the cost.

The Mayor asked if DEQ funding could help pay for storage (such as required aeration, etc.) The City Engineer stated that if going after DEQ funding, it would need to be a larger project (over \$500,000.00) and stated to Council to consider that if aeration were included in the project; there could be the potential for use of SAF fees to help fund the project.

Another option per the engineer would be to rebid the entire building package, advertise, go into contract, and then issue change orders to modify the structure of building at that time.

Motion by: Rachel Huckaby to direct the City Engineer to solicit bids in accordance with Idaho Code for an entire building package for a 60' x 40' shop

Seconded by: Ron Brown

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| Roll Call | Yes, Jason Speer | Yes, Rachel Huckaby |
| | Yes, Ron Brown | Yes, Denise Tangen |

Motion passed.

AB 22-114 Resolution No. 22-14 adopting ITD airport grant agreement (Action Item)

The airport fence will be near the depot and will help prevent domestic animals running loose onto airport property. They will start at the Alzar gate and continue as far north as possible within the grant funding limits. The tractor is included in this grant.

Motion by: Denise Tangen to accept the ITD /Grant agreement and authorize the Mayor to sign.

Seconded by: Jason Speer

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| Roll Call | Yes, Rachel Huckaby | Yes, Ron Brown |
| | Yes, Denise Tangen | Yes, Jason Speer |

Motion passed.

Motion by: Denise Tangen to adopt the Resolution 22-14 authorize the Mayor to sign

Seconded by: Jason Speer

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| Roll Call | Yes, Rachel Huckaby | Yes, Ron Brown |
| | Yes, Denise Tangen | Yes, Jason Speer |

Motion passed.

AB 22-115 Airport Tractor loader sales agreement (Action Item)

FAA AIP grant monies cannot be used for the purchase of mowing equipment. Because the airport is paved, it is eligible for grants that assist in projects such as paving and snow removal. The grant will cover a tractor for airport use including, mowing, snow removal and general airport maintenance. The tractor can be modified to meet airport requirements.

Motion by: Jason Speer to approve the purchase of the Agri Service tractor loader attachment.
Seconded by: Denise Tangen

Roll Call Yes, Ron Brown Yes, Denise Tangen
Yes, Jason Speer Yes, Rachel Huckaby

Motion passed.

AB 22-116 Resolution No. 22-15 Idaho GEM Grant/Comprehensive Plan (Action Item)

This is for approval to have the grant writer to apply for these monies.

Motion by: Ron Brown to adopt Resolution No. 22-15 to apply for the GEM grant.
Seconded by: Rachel Huckaby

Roll Call Yes, Denise Tangen Yes, Jason Speer
Yes, Rachel Huckaby Yes, Ron Brown

Motion passed.

CONSENT AGENDA

(Action Item)

Approval of May 18th and May 23rd 2022 meeting minutes.

Motion by: Rachel Huckaby to approve the consent agenda items.
Seconded by: Denise Tangen

Roll Call Yes, Jason Speer Yes, Rachel Huckaby
Yes, Ron Brown Yes, Denise Tangen

Motion passed.

MAYOR'S REPORT

Assistance with the facilitation of the strategic plan update will be provided by Melissa Hamilton. June 28, 2022 is the deadline for status of Comprehensive Plan. Peggy Breski, Contract City Planner, will provide update at the June 27, 2022 meeting. No meetings were attended.

EXECUTIVE SESSION

Pursuant to Idaho Code § 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Motion by: Rachel Huckaby to go into Executive Session.
Seconded by: Jason Speer

Roll Call Yes, Rachel Huckaby Yes, Ron Brown
Yes, Denise Tangen Yes, Jason Speer

Motion passed.

Went into Executive Session at 9:13 pm.
Council came out of Executive Session at 9:25 pm.

ADJOURNMENT Mayor adjourned the meeting at 9:25 pm.