



CASCADE CITY COUNCIL
First Regular Meeting and Public Hearing
Monday, November 13, 2023
6:00 PM
Cascade City Hall
MINUTES

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

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

Staff Present Judith Nissula-Mayor, Janice Van Winkle-City Clerk,
Peggy Breski-Peggy Breski, Dan Goodman-City Attorney

Staff via Zoom Heather Soelberg-Treasurer. City Engineer-Trevor Howard

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Brad Welker of 125 Par Drive, Cascade

123 Par Dr. is under construction with an active permit. He has concerns over the construction equipment that is being stored on the lot by Huckaby Bros. Construction. The equipment is not being used properly; it is being used as a construction storage lot including storage of a crane. Code enforcement and Mayor are aware. Noise is a problem as well. Mr. Welker did discuss with Huckaby Construction (Troy) but the crane remains.

DEPARTMENT REPORTS

Building / Code Enforcement report was given by Mayor Nissula. The new city shop's electrical is done, the steel building has been delivered and will be erected by the end of next week.

The Clerk's report was presented as given in writing to the Council summarizing leased land, event permits, LOT and Business permitting, park reservations and status of utility service changes.

Library report presented by Library Director, Maria Guest as written and provided to Council. She presented a few questions to the Council related to Best Day HR. Related to credit card late fees, Council already decided that they should be refunded to the library.

The Public Works report was presented by Mayor Nissula as written and provided to Council.

VC Sheriff's report, Kevin Copperi, reported on Valley County Sheriff's department activity. Nothing was provided in writing to the City Council. A copy of the Ordinance #729 which changed the penalty for feeding wildlife from an infraction to a misdemeanor with a fine change

from \$150.00 to \$1,000.00 per incidence was given to the Sheriff, and as he requested that it be posted in the window of City Hall.

The clerk provided the Sheriff with a copy of Ordinance #729 during the meeting and posted the Ordinance in the City Hall window during the meeting.

The Treasurer's report was presented as written and provided to Council.

Council member Huckaby asked that when projects funded by LOT were voted on that they be reflected in another color so that the reporting reflects actual commitments of LOT. The \$284,000 reflected on the spreadsheet for the FEMA stormwater project is an example of a project where a commitment of LOT funds was not voted on.

PUBLIC HEARING

ANN-23-01 Alzar School

Instructions by Mayor Nissula:

Public Hearing opened at: 6:43 pm

Let the record show that all Council members were present.

An outline of procedure for a public hearing was explained by the Mayor. The Mayor will call for Council exparte. The Staff Report will then be read by the City's Contract Planner. After the Contract Planner's presentation of the Staff Report, the Applicant will be able to make a presentation. After that is complete, there will be a call for public testimony. Finally, Council will have an opportunity to ask any other questions.

Council was reminded that when voting on a land use issue such as this annexation request, their vote and an explanation for the decision that they have reached will be required.

Mayor Nissula called for the Council to declare any conflicts of interest or exparte contact with the Applicant. Council member Speer did declare that the applicant uses his wife's daycare service. The Mayor determined that no Council members have had exparte contact or conflicts of interest related to ANN-23-01.

Staff report presented by:

City Contract Planner, Peggy Breski, read the Staff Report for the record outlining findings, both compliant and non-compliant, of the Applicant's (Alzar School) request for annexation into the City of Cascade. Through screensharing, the Contract Planner presented exhibits and maps related to the Staff Report.

The Mayor called for questions from the Council.

Q. Council member Speer asked for clarification of the number of additional acreage that could be eligible for annexation if this application for annexation were approved.

A. The City Planner confirmed that approval of this annexation could make over 600 additional acres eligible for annexation.

Applicant's Presentation

The Applicant's presentation was presented by Sean Bierle.

The Applicant feels that there were errors in the Staff Report and highlighted those concerns. Through screensharing, Mr. Bierle presented his presentation.

Clerk's note: A digital copy of Mr. Bierle's presentation was requested by the City Clerk in order to complete the public record.

A copy of ANN-23-01 for the Alzar School annexation application has been available at request from the City Hall, Clerk's office for public review since the time the notice was published. A copy of the Staff Report is available as of this meeting from City Hall, Clerk's office.

Public Testimony:

Proponent

None.

Neutral

Elaine Battles of 1 11 Way

Opposed

None.

Applicant Rebuttal:

None as there was only one public testimonial.

The Mayor called for a short break.

City Staff Rebuttal to Applicant Claims at the Invitation of the Mayor

The Contract Planner identified two items that the Applicant misinterpreted. They are:

One

The Applicant had concerns that the map in the original 2011 development agreement was mis-referenced.

Per the Contract Planner, the map was not mis-referenced. The map re-referenced in the Staff report was updated and included in the 2017 Master Airport Plan (for future land use).

Two

The Applicant had commented that the Alzar property was not in the runway protection zone as specified on the map that Applicant presented and screen-shared during Applicant's rebuttal.

The City Contract Planner clarified that the runway protection zone Applicant was concerned about was not the Runway Protection Zone the Contract Planner was discussing.

The Contract Planner further explained that the protection zone referenced in the Staff Report was in addition to three other protection zones being requested for annexation. Contract Planner proceeded to identify those three other protection zones.

Applicant's Final Rebuttal:

Mayor granted Applicant a final rebuttal. Applicant provided final rebuttal responding to Contract Planner's rebuttal and clarifying comments.

The Public Hearing for ANN-23-01 was closed at: 8:01 pm

PUBLIC HEARING

Amended Budget

This will be resolved at a future meeting.

NEW BUSINESS

AB 24-23

Alzar School, ANN-23-01

(Action Item)

Council Member Jason Speer posed a question to the City Attorney as to what could be in a development agreement if the annexation were approved.

The Mayor has a concern regarding annexation and development in the flood plain and the potential for future annexation and development requests in the flood plain.

Council Member Rachel Huckaby does not see a benefit in stretching the City Limits and is concerned about what will be "filled in". She is not concerned about impact related to the property tax bills.

Council Member Denise Tangen is concerned about annexation within the FEMA flood zone.

The Mayor does not see the benefit to the City. There are currently 550 acres (that were annexed into the City that remain undeveloped) which bring the potential for "fill in" and which will have an impact on City's infrastructure. Mayor reminded the Council that they had recently pushed back on annexation for a hospital and an increase of the City's impact area. Annexation would increase the "committed" annexations to over 1000 acres into the City Limits. Mayor further stated that the benefit to existing citizens and the impact on current resources should be considered by the Council.

Council Member Ron Brown asked the City Planner if the wetlands and other impacted areas were addressed, would she (the City Planner) be opposed to the annexation. The City Planner's response was, yes, because that creates eligibility to annexation of an additional 665 acres to a degree which is detrimental to City facilities as surrounding areas do not have their own utility systems and would be requesting connection to the City.

Motion by: Rachel Huckaby to deny ANN-23-01.

Seconded by: Denise Tangen

Roll Call: Yes, Rachel Huckaby
Does not think it is smart growth for the City.
Yes, Ron Brown
It is not the direction that the city should go.
Yes, Denise Tangen
Not a good direction for the City and the flood zone has a great effect on that.
Yes, Jason Speer
The size of the annexation is prohibitive.

Motion passed.

AB 24-08 Amended Budget (Action Item)
Motion by: Rachel Huckaby to amend the budget for FY ending 2023 to match the report dated 12/30/2023.
Seconded by: Ron Brown

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

Motion passed.

AB 24-24 Elevate Cascade, CUP-23-01 (Action Item)
At the request of Elevate Cascade on 11/13/23, requested decision to be tabled until a future meeting with certain date.

Per the City Attorney, this (CUP-23-01) needs to be re-noticed for another public hearing.

There was no motion.

AB 24-25 Valley Paving change order for Duffer's project driveway approaches. (Action Item)

Council Member Huckaby conveyed that a resident said diesel fuel was leaking onto the road is causing the pavement to erode. City Engineer, Trevor Howard will look at this on 11/15/23. Per Trevor, with change order #1, the total cost of the project will be \$196,452.50.

Motion by: Rachel Huckaby to approve Valley Paving change order #1 adding driveway approaches to the Duffer's project in the amount of \$31,452.50.

Seconded by: Ron Brown

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

Motion Passed

Second Motion by: Rachel Huckaby to approve Valley Paving pay application for \$196,452.50
Seconded by: Denise Tangen

Roll Call: Yes, Rachel Huckaby Yes, Ron Brown

Amended Motion Rachel Huckaby to approve the consent agenda with changes as discussed.
Seconded by: Jason Speer

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

Motion passed.

EXECUTIVE SESSION

Motion by: Jason Speer to enter executive session pursuant to Idaho Code §74-206(1)(b)
at 8:45 pm.

Seconded by: Ron Brown

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

Motion passed.

Motion by: Jason Speer to come out of Executive Session at 9:11 pm.

Seconded by: Rachel Huckaby

No decisions were made.

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

ADJOURNMENT

The Mayor called for adjournment at 9:11 pm.