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**PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

**October 24, 2024  
5:30 PM**

**Location: City Council Chambers, 408 N. Spokane Street, Post Falls, ID 83854**

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**REGULAR MEETING – 5:30 PM**

**CALL TO ORDER**

5:30 PM

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS**

Vicky Jo Carey, Kibbee Walton, Ray Kimball, James Steffensen, Ross Schlotthauer, Nancy Hampe, Bobby Wilhelm

Present: Walton, Hampe, Steffensen, Schlotthauer, Wilhelm

Excused: Kimball, Carey

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:**

**ACTION ITEM**

None

**AMENDMENTS TO THE AGENDA**

Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.

None

**DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS**

Commission members are requested to declare if there is a conflict of interest, real or potential, pertaining to items on the agenda.

None

**1. CONSENT CALENDAR**

The consent calendar includes items which require formal Commission action, but which are typically routine or not of great controversy. Individual Commission members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the Commission agenda packet regarding these items and any contingencies are part of the approval.

**ACTION ITEMS:**

- a. P&Z Workshop Minutes 09-11-2024

b. Planning and Zoning Meeting Minutes 10-8-2024

**Motion to approve as presented by Commissioner Walton.  
Second by Commissioner Schlotthauer.**

**Vote:**

**Yes - Walton, Hampe, Steffensen, Schlotthauer, Wilhelm**

**Moved**

## **2. CITIZEN ISSUES**

This section of the agenda is reserved for citizens wishing to address the Commission on an issue that is not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for that public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, by subsequent appointment. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring action must be placed on the agenda of an upcoming meeting. As such, the Commission cannot take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

None

## **3. UNFINISHED / OLD BUSINESS**

This section of the agenda is to continue consideration of items that have been previously discussed by the Planning and Zoning Commission.

### **ACTION ITEMS:**

None

## **4. PUBLIC HEARINGS**

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

### **ACTION ITEMS:**

a. Early Dawn & Zorros Annexation File No. ANNX-24-1

**Public Hearing Open: 5:33 PM**

**Staff report**

Ethan Porter, Associate Planner: Todd Whipple, with Whipple Engineering is requesting, on behalf of Lanzce Douglass, the property owner, approval to annex approximately 9.63 acres into the City of Post Falls with a zoning request of Community Commercial Services (CCS). The property is generally located on the northwest corner of E. Early Dawn Avenue and N. Zorros Road. Currently, it is used as a large lot residential single-family use, and it is above the Rathdrum Prairie Aquifer. **Surrounding Land Uses:** Located to the north is a vacant lot and a large residential lot within the City of Post Falls. Across N. Zorros Road to the east is the single-family residential Foxtail Subdivision. To the south of E. Early Dawn Avenue are Bluegrass Apartments. Directly west is the Early Dawn Commercial Center, which is currently under construction, and a large lot of residential homes. The water provider will be Ross Point Water District, and wastewater by the City of Post Falls. The City would be willing to serve the property for the requested zoning of CCS, and it is subject to the 12th Avenue

Surcharge and the Meyer Line Surcharge upon development. Early Dawn Avenue and Zorros Road are both Minor Collectors. The City's Transportation Master Plan identifies a 1/8-mile package roadway between Early Dawn Avenue and Hope Avenue that can be made up of local access, private, or commercial drive roadways. Upon annexation, the City would obtain rights-of-way and easements. The future land use designation for this location would be Business Commercial. The focus area would be 41 North Focus Area. The implementing zoning district would allow a CCS Community Commercial Services zone. Comprehensive Goals 6, and 7 and Comprehensive Policies 24, 33, 8, and 9 were noted to support that focus area in future land designation.

Jon Manley, Planning Manager: I want to clarify that the 1/8 mile package road is not a finite line. We work with the development to get the best fit at approximately the 1/8th mile going from the north to the south. It could be a private road or a public street, coordinating with development to reduce long-term congestion on Highway 41 and facilitate better access to commercial development.

Hampe: Are there two separate surcharges?

Porter: Correct, the 12th Avenue and the Meyer Line.

Wilhelm: Hasn't this already been turned down twice by City Council?

Porter: Yes, it came through as an R-3 and was denied, then as a CCS and denied by the City Council.

Wilhelm: You can put apartments in a CCS zone, right?

Porter: Only with a special use permit.

Wilhelm: If the special use permit was approved, could they put all apartments on that?

Porter: That would be up to you as a commission. They would have to submit a special use permit and go through the hearing process.

Wilhelm: Essentially they could do an end run all the way back to R3?

Porter: Correct. They could go multifamily through a special use permit if they wanted to, and it would have to be approved.

Manley: I would like to note that Planning and Zoning is just recommending the proposed zone and if it is consistent with review criteria and forwarding that recommendation to the City Council. The annexation is a legislative decision determined by the City Council if they want to annex the property in the context of that; with a recommendation on zoning from the Planning and Zoning Commission. It's two different roles. Tonight is "does the proposed zone meet the review criteria?" and assess it on that pretense.

Schlotthauer: Is there something different from when it came through previously for CCS?

Manley: I recall it came through as R3. A different proposal to the south came through, as both R3 and CCS were denied. The basis of my recollection of denial was the status of the Highway 41 corridor was incomplete. It was a different case, but it did apply to this one.

Schlotthauer: I have a question about the backage road. They're providing access across the west edge of the property?

Porter: It creates a north-south roadway off Highway 41, so if vehicles want to, they don't have to get on Highway 41 and get back off.

Schlotthauer: So their little piece there would give access to a road there?

Porter: Yes, upon development of that site, they would look at how that backage road is going to be incorporated into that area, and we would look at a future plan if the other two properties to the west developed how that looks as far as where the backage roads would be. They would have communication with staff.

Schlotthauer: So the benefit you're outlining in your goals and policies is that this would give us a potential area for a back road? Except it goes through the middle of the apartments.

Porter: Correct. That's why Jon was talking about Ketchikan Court.

Schlotthauer: Would it jog through there?

Porter: Correct. How that lines up is based on how we have to look at future development. The proposal if other properties develop and what that looks like.

Schlotthauer: Ketchikan Court is there though.

Porter: Correct.

Manley: Ketchikan was placed prior to the concept of the 1/8 mile backage road. In our last Comprehensive Plan update, we looked at Highway 95. Where 95 struggles with opportunities to reduce congestion, there is no continuous 1/8 mile backage road that helps facilitate that commercial development. The goal is to provide that improved continuity running parallel. A quarter mile is too far for most of your smaller neighborhood or some of your commercial corridors, to facilitate access points. That's where a variation, the variability that's stated for staff to work with developments one at a time allows us to get that continuity. So we do have to live with that jog on Ketchikan Court to the east. Then, as we go north, we work with each developer to get up to Hope Avenue, which allows good safety movement, accessibility, and turning movements on Hope Avenue so it can

function.

Steffensen: For clarification, it is this property the previous owner in 2020 applied for R3 annexation and was denied by City Council due to the development of Highway 41, and in 2022 Douglas Properties applied for annexation with the CCS zoning, and was also denied by City Council due to developing Highway 41. So this is the property that was twice denied on page 29 of the staff report.

**Applicant:**

Todd Whipple, Whipple Consulting Engineers: Tonight I have Austin Fuller with me, he will give the presentation on our application. I wanted to address the process that we went through, and why we're back today. When we brought the R3, we thought that was the appropriate zone for a multifamily. We went through the process here, were approved and moved on to City Council. City Council decided that there were too many unknowns associated with Highway 41 being constructed at that time and come back later. We came back as CCS and were approved by the Planning and Zoning Commission again. The City Council decided that we shouldn't come back until the interchange was under construction. There's a completion date for the interchange and phases 1, 2, and 3 of Highway 41 are complete. We feel we've cleared all the Highway 41 issues. We didn't bring R3. Another applicant did. We brought the CCS. There were no other issues except Highway 41 access. Our understanding is we've finally met all the criteria. The backage road is an opportunity for access, so drivers don't have to get on Highway 41 to go a quarter mile or half mile to the C store and the Grocery Outlet that's being constructed on Poleline and Highway 41 on Katchikan Road.

Schlotthauer: Do you have the completion date that's forecast for Highway 41?

Whipple: I can get that information to staff.

Schlotthauer: Is it your intention to come back for a special use permit?

Whipple: Our intention is to develop it for those uses allowed in the zone, whatever they may be.

Manley: I was informed that the completion date is spring of 2026

**Austin Fuller, Whipple Consulting Engineers, Applicant**: Staff did a great job discussing the project. This is a 9.67-acre parcel currently in the agricultural zone. On the zoning map there is CCS to the north, west, and south and R1 with a PUD overlay to the east. The Future Land Use map for this site is Business Commercial, which matches with the CCS zone surrounding the site. This is in the 41 North Focus Area, which also matches the CCS zoning. The project is within 1/2 mile from Highway 41 meeting the comprehensive goal for multifamily, commercial and technology uses near higher-classified roadways. He spoke to policy 2, 4, and goals 7, 9, and 14. There was no evidence in the record supporting demonstrable adverse impact. There is sewer to the east and south of the site, water adjacent to the site, and a will serve letter from Ross Point Water District. The properties are expected to access Highway 41 from Hope Avenue and Poleline Avenue. Both connections to Highway 41 are signalized, allowing for convenient access to/from the properties. Annexation of the properties will provide additional opportunities for development in the CCS zone. The future land use of the properties is business/commercial, which is in line with the CCS Zone. The properties are within Focus Area 41 North, which prioritizes retail, mixed-use, multifamily and tech uses, all allowed or are special uses within the CCS Zone. The properties are flat, which is also appropriate for the CCS Zone.

**Testimony**

In-Favor: - None

Neutral - None

In Opposition - Petrit Xhudo, Post Falls, ID: Opposes annexing it as a CCS, he stated that it doesn't make sense. His concern is expected vacancies.

**Rebuttal:**

Whipple: There are not very many implementing zones to choose from when you are annexing. There's CCS west, north, and south of the site, CCS is the logical designation.

**Public Hearing Closed: 6:04 PM**

**Review Criteria:**

**1) Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?**

Steffensen: The Future Land Use Map has it under business and commercial. Most commercial is near a

corridor, in this case it's Highway 41. It's in the Highway 41 Focus Area that there should be businesses and commercial in that area. CCS is a commercial business implanting zone.

**2. Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration?**

Hampe: The transportation network would be one advantage. Potentially having that road running north-south off of Highway 41. There's connectivity without getting on Highway 41.

Steffensen: Goal 1; bringing in more businesses and community services for that area. Policy 1, impact fees and connectivity.

Gabbert: There was discussion and agreement on the transportation elements. Maintaining the transportation systems and improving circulatory patterns. Also providing diverse commercial opportunities that the city is looking for. Infill development is a priority, this parcel is fully surrounded by the city.

**3. Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city?**

Commissioners agreed that nothing was shown in the report. Nothing was demonstrated from any public testimony or anything in the hearing.

**Motion to approve by Commissioner Walton of Early Dawn Annexation File No. ANNX-24-1 finds that the requested zoning meets the approval in the Post Falls Municipal Code 18.20.100 as outlined in our deliberation and directs staff to prepare a zoning recommendation for CCS to be routed to the City Council.**

**Second, by Hampe**

**Vote:**

**Yes - Walton, Hampe, Steffensen, Schlotthauer, Wilhelm**

**Moved**

**b. Poleline & Zorros Annexation File No. ANNX-24-2**

**Public Hearing Open: 6:13 PM**

**Staff report**

Ethan Porter, Associate Planner: Todd Whipple, with Whipple Engineering is requesting, on behalf of Lanzce Douglass, the property owner, approval to annex approximately 4.72 acres into the City of Post Falls with a zoning request of Community Commercial Services (CCS). The subject site is located on the northwest corner of E. Poleline Avenue and N. Zorros Road. **Surrounding Land Uses**: Located to the north and west of the subject site is the Blue Grass Apartments. Directly east, across N. Zorros Road is the single-family Foxtail Subdivision. Across E. Poleline Avenue, to the south, there are large lot residential homes within Kootenai County. Currently, it is used as a large residential single-family lot. It is over the Rathdrum Prairie Aquifer. Ross Point Water District, wastewater provided by the City of Post Falls. The city would be willing to serve the property for the requested zoning of CCS and is subject to the 12th Avenue Surcharge and the Meyer Line Surcharge upon development. Zorros Road is a Minor Collector, Poleline Avenue is a Minor Arterial. The City's Transportation Master Plan identifies a 1/8 mile package roadway between Early Dawn Avenue and Hope Avenue that can be made up of local access, private, or commercial roadways. City to obtain rights-of-way and easements. The future land use designation is business/commercial. It is in the 41 North Focus Area. Goals 6 and 7 and policies 26 and 33 were highlighted. Development would provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail. The city's Transportation Master Plan identifies an 1/8 mile package roadway between Early Dawn Avenue and Hope Avenue that can be made up of local access, private or commercial drive roadways. City to obtain rights-of-way and easements. There was no demonstrable adverse impact presented.

**Applicant**

Austin Fuller, Whipple Consulting Engineers: The site vicinity: To the north and west of the site are the Bluegrass Apartments, to the east is single-family and to the south is undeveloped land with some large single-family lots. The parcel is 4.76 acres, currently in the agricultural zone for Kootenai County and we're proposing the CCS zone. To the south is the agricultural zone. To the southeast is the agriculture/suburban zones. On the current Zoning Map, to the north and the west is CCS, and to the east is R1 under a PUD overlay. This site is a peninsula. Under the Future Land Use Map, this site is business/commercial. To the south is also business/commercial to be annexed in the future. The proposed zoning is consistent with the future land use map and focus area of 41 North. He spoke to goal 7 and policy 9, 14 and 44. There was no evidence in the

record stating that there would be a demonstrable adverse impact. All public services are available adjacent to this property and a water will serve letter was received.

**Testimony**

In-Favor: - None

Neutral - None

In Opposition - None

Schlotthauer: Requested a copy of the goals and policies for the Commissioners to reference in the future.

Gabbert: We will update in the next version of your manual.

**Public Hearing Closed: 6:31 PM**

**Review Criteria:**

**1) Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?**

Steffensen: The Future Land Use Map has business/commercial. The Focus Area talks about business/commercial and CCS is implementing zone for that. It's next to Highway 41 which is good for commercial business.

**2. Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration?**

Steffensen: Policy 1 talks about the impact of fees, connectivity and transportation, road and sidewalk improvements.

Walton: Policy 8, 9, and 26 all fit.

**3. Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city?**

Commissioners agreed that nothing was shown in the report. Nothing was demonstrated from any public testimony or anything in the hearing.

**Motion by Commissioner Hampe to recommend approval of Poleline and Zorros File No. ANNX-24-2 finding that the requested zoning meets the approval criteria in the Post Falls Municipal Code as outlined in our deliberations and direct staff to prepare a zoning recommendation of CCS to be provided to the City Council.**

**Second by Wilhelm**

**Vote:**

**Yes - Wilhelm, Steffensen, Walton, Hampe, Schlotthauer**

**Moved**

c. Killdeer File No. ANNX-24-4

**Public Hearing Open: 6:35 PM**

**Staff report**

Anna Staal, Planner 1: Lake City Engineering has requested, on behalf of the property owner Northern Lights Development, LLC, to annex approximately 4.89 acres into the City of Post Falls with a zoning request of Single-Family Residential (R1). The property is located at 2640 E. Killdeer Avenue. The current land use is large-lot Single Family Residential. Current zoning is Single Family Residential (R1) zoning. The proposed subdivision will serve a single-family residential housing development. Surrounding Land Use: Located to the north of E. Killdeer Avenue is the Green Meadows 1<sup>st</sup> Addition Single-Family residential subdivision. Directly west of the subject site is Green Meadows Single-Family residential subdivision. There are large lot of single-family residential uses to the south and east that are within Kootenai County. Land uses surrounding the site are predominantly single-family. The surrounding properties to the north and west are zoned as R-1. The properties to the east and south are zoned as Agriculture within Kootenai County. The water provider will be Ross Point Water District, sewer will be the City of Post Falls. The city does have a capacity/willingness to serve land uses within the adjacent Killdeer Avenue. Killdeer Avenue is classified as a Minor Collector roadway, which provides connectivity to between Greensferry Road (Minor Arterial) and Cecil Road (Major Collector). No impact is anticipated on the traffic network from the requested R1 zoning. The future land use designation is low density residential and the focus area is 41 North. The focus area, Goals 6 and 7 and

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policies 24, 33, 8, and 9 were highlighted. The project, if developed, would come with grants of right-of-way and frontage improvements on Killdeer Avenue that would work towards overall connectivity benefiting this parcel and the subdivisions in the area. There were no comments received that demonstrated a Demonstrable Adverse Impact.

### Applicant

**Drew Dittman, Lake City Engineering:** Reviewing the criteria, R1 is an implementing zoning district, the site is currently surrounded by R1 zoning. There is a large county island there that is slowly infilling, and it's in the Highway 41 Focus Area, all making this a good fit. We've provided a full comprehensive plan analysis, noting it fits very well with the goals and policies and the surrounding land uses. Seven of the agencies notified responded that they were either neutral or had no comment. Annexation doesn't create the impact, the development that creates the impact, so most of those agencies reserve the right to comment on the proposal and development. The city of Post Falls has willingness and capacity to serve it and Ross Point Water District has provided a will serve letter that they have the willingness and capacity to serve it assuming it is annexed. **Steffensen:** There was a comment in the staff report regarding wildlife living in some of the trees. When that happens, how do you handle that?

**Dittman:** This is the annexation tonight, there is no impact created by the annexation itself. This is an old tree farm. We are going to have an arborist look at them for the development of the parcel. Providing buffer zones or open space that doesn't fit in a 5 acre parcel, you do the best you can do with it to try to maintain the trees. Most of the trees are on the property line and most likely will end up in the backyards. Some will have to be taken down for building envelopes. In development, trees are a plus and help to sell lots and houses.

### Testimony

**In-Favor:** - Jim and Lisa Rough, Post Falls, ID (does not wish to speak): They concur with the submission of Conal J. Brady III.

**Jim Sibley, Post Falls, ID (does not wish to speak):** He submitted the Conal J Brady III attachment in favor. **Connal J Brady III, Post Falls, ID:** Mr. Brady spoke as a spokesperson for the North Britton Road Owners Group, stating that initially they opposed this development. After researching the city's Comprehensive Plan and some recent informal conversations with the developer, they decided that it would be more prudent to stand in support of this and leave it to the trust of the commission, city council, and the developer to handle. They are asking the commission to codify a couple of recommendations they have in the written report that was submitted. Mr. Brady spoke to criteria 5 and 6 and policies 26, 45, 71 and 75. Question 6 was referenced, and several photos were included in their report to show there is sufficient space for a green zone that would meet the requirements.

**Neutral - None**

**In Opposition - None**

### Rebuttal:

**Dittman:** We are not proposing a special use permit. We have already submitted a subdivision to the city and it has been accepted. We are proposing to build low-density residential. Northern Lights is the development, Hallmark Homes is the builder. Tonight we are talking about zoning and annexation. Development related issues are reserved for the subdivision when we present them to the Planning and Zoning Commission.

**Schlotthauer:** Did you say earlier that these trees are balled and burlapped?

**Dittman:** I don't know that for certain. It was a tree farm a gentleman was trying to create and didn't work out. I can hopefully provide that answer when we come back for the subdivision.

**Schlotthauer:** If they are transplantable, do you think your client would be open to providing trees for the neighbors to create green belts in their backyards?

**Dittman:** That is something we can certainly discuss.

**Steffensen:** I want to add that tonight we are just deciding on the zoning based on the criteria we have in front of us. The City Council will decide if they want to annex this based off that zoning.

**Public Hearing Closed: 7:03 PM**

**Review Criteria:**

1. **Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?**  
Steffensen: There is a county pocket there, with residential all around it. The Future Land Use indicates all that area is low-density residential R-1.
2. **Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration?**  
Schlotthauer: Goal 7 that we provide for long-term sustainability for the city. R1 housing is critical and in short supply. Goal 8 infill and this is infill.  
Steffensen: Goal 6 talks about transportation networks in future connectivity. This will provide connectivity. And Policy 26 provides sidewalks and trails.
3. **Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city?**  
Commissioners agreed that nothing was shown in the report. Nothing was demonstrated from any public testimony or anything in the hearing.  
Steffensen: The one concern in the staff report will be addressed, and we will look at that in due time. It is something that can be mitigated.

**Motion by Commissioner Wilhelm to recommend approval of annexation, Killdeer Annexation File No. ANNX-24-4 finds that the requested zoning meets the approval criteria in the Post Falls Municipal Code 18.20.100 as outlined in our deliberations and direct staff to prepare a zoning recommendation to provide to City Council of R1.**

**Second by Commissioner Hampe**

**Vote:**

**Yes - Walton, Hampe, Steffensen, Schlotthauer, Wilhelm**

**Moved**

## 5. ADMINISTRATIVE / STAFF REPORTS

None

## 6. COMMISSION COMMENT

Steffensen: I would like to say this is Nancy Hampe's last meeting, so thank you for your service. When I came seven years ago, you helped me figure out what was going on.

Hampe: I have enjoyed it. If I hadn't been moving I would still be here.

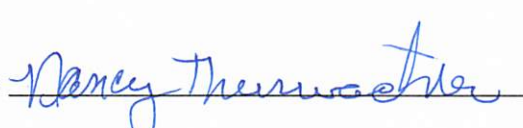
Wilhelm: Thank you for your service to Post Falls.

## 7. ADJOURNMENT

7:12 PM

Date: 11/12/27

Chair: 

Attest: 

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division at 408 Spokane Street or call 208-773-8708.

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their disability, please notify the City Media Center at least 24 hours in advance of the meeting date. The Media Center telephone number is 208-457-3341.

Chair: James Steffensen      Vice Chair: Ray Kimball  
Members: Vicky Jo Carey, Nancy Hampe, Ross Schlotthauer, Bobby Wilhelm, Kibbee Walton