

**MINUTES OF THE CITY COUNCIL MEETING
FOR THE CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

March 26, 2019

Joint Workshop with Planning and Zoning Commission: 4:00 PM

Regular Meeting: 5:00 PM

Hayden City Hall, Council Chambers

8930 N. Government Way, Hayden, ID 83835

CALL TO ORDER

Council President Saterfiel called the meeting to order at 4:04 p.m.

ROLL CALL OF COUNCIL MEMBERS

Council President Saterfiel and Council Members Panabaker and DeLange were present. Mayor Griffiths and Council Member Roetter were absent.

Planning and Zoning Commission (PZC) members present: Chair Brian Peterson, Vice-Chair Michael Cramer, Corey Anderson, and Alan Davis.

Also present were City Attorney John Cafferty, Community Development Director Melissa Cleveland, City Engineer Rob Wright, Senior Planner Donna Phillips, City Administrator Brett Boyer, Hayden Lake Irrigation District Administrator Brandon Rose, and City Clerk Abbi Sanchez.

1. JOINT WORKSHOP WITH PLANNING AND ZONING COMMISSION – 4:00 PM

A. Comprehensive Plan Update

Mr. Boyer and Ms. Cleveland stated that City staff are working to update four master plans that are currently out of date including the Comprehensive Plan, Parks and Recreation Plan, Transportation Plan and Sewer Plan. The plans reference each other so it makes sense to update them concurrently with the goal to have them work together with a common vision for the future of Hayden. By updating the plans concurrently, public comment will be received once with relevance to all plans. Staff would like to contract with someone for public engagement assistance. The timeframe to complete the updates is estimated to be twelve to fifteen months.

B. Utility Infrastructure Zone Text Amendment

Ms. Phillips explained that the Federal Communications Commission (FCC) has new rules for treatment of telecommunication (particularly wireless) facilities that state that they shall be treated the same as other utility infrastructure and have placed strict timelines for review of an application and final decision. If a final decision is not made within the timeframe allowed by the FCC then the application is considered granted. Ms. Phillips informed Council and PZC that the City has had a request for a zone text amendment since September 2018. After reviewing the City of Coeur d'Alene (CDA) and City of Post Falls' (PF) codes, along with the new FCC rules, staff is recommending to separate code sections in Title 8 for Minor/Major Utilities (8-5) and Wireless Communication (8-6). She explained the current definitions for major and minor utility infrastructure with includes cell towers as a major utility and the current zoning districts utility infrastructure is allowed in. She explained further that the proposed code changes would be similar to CDA and PF, would apply to all utility infrastructure, identify design standards in all zone districts, and identify the preference that the utility be enclosed in a structure, concealed, camouflaged, or placed underground. The proposed changes would also require a utility compliance permit that would be reviewed concurrently with other permits for all utility infrastructure, and an eligible facility request that establishes the type of wireless communication facility and determine the tolling period requirements.

After reviewing the purpose for the proposed code sections, the applicability, preferred locations, utilities compliance permits, eligible facilities request, design standards (including examples of camouflaged design), height restrictions, setback requirements, appeal process, and the desire for wireless communication facilities to collocate facilities whenever possible; the consensus of the Council and PZC was to move forward with the proposed code amendments.

PLEDGE OF ALLEGIANCE

Council President Roger Saterfiel asked City Administrator Brett Boyer to lead the pledge of allegiance.

ADDITIONS OR CORRECTIONS TO THE AGENDA

Items 3E and 3J were removed from the agenda.

2. PROCLAMATION

- A. Fair Housing Month
- B. 2020 Census Awareness Day

3. CONSENT CALENDAR ALL ITEMS ON THE CONSENT CALENDAR ARE ACTION ITEMS

- A. Approval of February 26, 2019 Regular City Council Meeting Minutes
- B. Approval of Contractual Services Agreement with Wiley E. Waters for Scenic and Whitewater Rafting Trips
- C. Approval of Contractual Services Agreement with Sally Sorenson for Sing, Play, Move Program
- D. Approval of Princess Pedalfest Event Permit Application
- ~~E. Acceptance of Wells Fargo Grant of Easement for Hayden Avenue Corridor: Highway 95 – Government Way Project~~
- F. Approval of Carrington Meadows 1st Addition Written Decision
- G. Approval of Carrington Meadows 1st Addition Master Development Agreement
- H. Approval of Hayden North 2nd Addition Master Development Agreement
- I. Approval of Purchase of Easement Agreement with bankcda for Hayden Avenue Corridor: Highway 95 – Government Way Project
- ~~J. Acceptance of bankcda Grant of Easement for Hayden Avenue Corridor: Highway 95 – Government Way Project~~
- K. Approval of Missoula Children’s Theater Jack and the Beanstalk Performance Contract
- L. Approval of Contract with Clement Concrete for Concrete Work at Stoddard Park
- M. Approval to Reappoint Corey Anderson to the Planning and Zoning Commission
- N. Approval to Reappoint Shawn Taylor to the Planning and Zoning Commission
- O. Ratification of February Payroll
- P. Ratification of Bills for Payment paid on 3/12/2019
- Q. Approval of Bills for Payment

MOTION: Council Member DeLange motioned to approve the consent calendar as presented. Council Member Panabaker provided the second.

ROLL CALL VOTE:	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

4. VISITOR/PUBLIC COMMENTS (5 Minutes Maximum on Non-Agenda Items)

5. COMMISSION REPORT

- A. Parks, Recreation and Community Forestry
In addition to the letter submitted in the packet, Recreation and Community Events Director Suzanne Cano stated that the PRCFC is focusing on getting sponsors for the disc golf course at Broadmoore Park, which will be presented before council in the next few months.

6. PUBLIC HEARING

- A. ACTION ITEM Compton Zone Map Amendment
After reading the procedure for an applicant initiated public hearing and after a call for any ex parte communication with none indicated, Council President Saterfiel opened the public hearing at 5:20 p.m.

APPLICANT: Jacob Compton stated that he is requesting a zone map amendment to his property at 9290 North Ramsey Road from Residential Suburban (R-S) to Residential (R-1) so that he can create another lot

in the back of the property to build an addition Single Family Residence. He reviewed the standards for approval and identified how his request is consistent with each one.

QUESTIONS: None

STAFF: Senior Planner Donna Phillips stated that the subject property is identified in the Comprehensive Plan as Residential and the Residential Densities Map identifies the subject property as medium density. The existing residence is on septic however with any future development the existing residence and future residences will be required to connect to City sewer which is currently available in Ramsey Road. Ms. Phillips explained that the surrounding zones of the subject property are R-1 to the East and West with R-S to the North and South. Ms. Phillips noted that the R-S zone designation allows for a minimum of two units per acre. Due to the size of the subject property of less than one acre at .9 acres, the owner's plan to build another residence would not be allowed with the current zoning. After reviewing the agency and public notices with no comments except Northern Lakes Fire Protection District who identified requirements for subdivision construction, Ms. Phillips referenced the standards for approval that Council must consider when making a decision.

PUBLIC COMMENT: None
APPLICANT REBUTTAL: None

Council President Saterfiel closed the public hearing at 5:32 p.m.

DELIBERATION: None

MOTION: Panabaker motioned to approve the planning and zoning commission recommendation for approval finding that the subject case meets the standards for approval. Council Member DeLange provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member DeLange	Yes
Council Member Panabaker	Yes

All members present were in favor and the motion was approved.

B. ACTION ITEM Andersen Zone Map Amendment

After indicating that the same procedures apply for this applicant initiated public hearing and hearing no indication of any ex parte communication, Council President Saterfiel opened the public hearing at 5:35 p.m.

APPLICANT: Mr. Tony Vilelli, developer representing owners Marc and Susan Anderson 2004 Revocable Family Trust, is requesting a zone map amendment to light industrial (L-I) from Commercial (C) to allow for a self-storage facility. The current use of the subject property is an eight-unit residential multi-family structure with accessory buildings. The owner plans to keep the existing buildings at its current use with an increase in parking. Any improvements to this property will also include improvements to Wyoming Avenue. He reviewed the adjacent property uses including the property to the north zoned (L-I) and the neighboring property of self-storage that was constructed prior to the zoning designation. Mr. Vilelli reviewed the standards for approval and identified how the proposed zone change meets each one.

QUESTIONS: Mr. Vilelli responded to Council Member Panabaker question about who the storage units would serve by stating that they will be open to the public and not exclusive to the existing tenants.

Council President Saterfiel received confirmation that the access requirements have been met by the fire department.

STAFF: Senior Planner Donna Phillips reviewed the background for the subject case including landscape variance that allows for a modified landscape buffer if the property is rezoned L-I, subdivided and developed by October 1, 2020; approval of Parker's Park Minor Subdivision; and the recommendation for

approval by PZC for the proposed zone map amendment. After reviewing the surrounding zones and uses, the existing infrastructure and utilities available, the uses allowed in the commercial and light industrial zones, the zoning development agreement condition that would allow only the storage facility use on the subject property, agency and public notices with one comment from Northern Lakes Fire Protection District who identified requirements for the subdivision construction; Ms. Phillips referenced the standards for approval that Council must consider when making a decision.

QUESTIONS: None
PUBLIC COMMENT: None
APPLICANT REBUTTAL: None

Council President Saterfiel closed the public hearing at 5:59 p.m.

DELIBERATION: None

MOTION: DeLange motioned to approve the planning and zoning commission recommendation for approval with the condition of a zoning development agreement finding that the subject case meets the standards for approval. Council Member Panabaker provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

7. UNFINISHED BUSINESS

A. ACTION ITEM Approval of ROW Encroachment Permit Zone Text Amendment Ordinance

MOTION: Council Member Panabaker motioned to read the ordinance by title only, to suspend the rule of reading in full on three separate dates, and to approve the first reading. Council Member DeLange provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member DeLange	Yes
Council Member Panabaker	Yes

All members present were in favor and the motion was approved.

Council President Saterfiel read the ordinance by title only.

MOTION: Council Member DeLange motioned to adopt the ordinance having passed its first reading by Title only and published by summary incorporating the Title as a core of the summary upon passage. Council Member Panabaker provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

8. NEW BUSINESS

A. ACTION ITEM Adoption of Zone Map Update Resolution

Donna Phillips explained that the current zone map was approved in 2014. Approval of this resolution will update the zone map to reflect all the zone changes and annexations over the last five years.

MOTION: Council Member Panabaker motioned to approve the 2019 Zone Map Update Resolution. Council Member DeLange provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

B. ACTION ITEM Acceptance of J-U-B Engineers, Inc. Hayden Avenue Corridor Project: Highway 95-Government Way Safety Report

MOTION: Council Member DeLange motioned to approve the safety report as presented. Council Member Panabaker provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

C. ACTION ITEM Idaho Transportation Department Memorandum of Understanding Highway 95 Maintenance Agreement

City Engineer Rob Wright explained that items 8C-E are part of the access improvements to the Highway 95 corridor and reviewed what each item identifies.

The cooperative agreement states that the State will be responsible for the design and construction of the project as well as accept the construction upon completion. It also states that the City will fulfill its financial obligation to the project by June 30th and upon completion will accept from the State the improvements in the City's right-of-way.

The memorandum of understanding updates the City's responsibility for maintenance along the Highway 95 corridor from Prairie Avenue to Lancaster Road. It is similar to what has been done in the past. Mr. Wright called attention to the following items:

- o The maintenance of the pathway along Highway 95 that will be reconstructed is not identified as part of the City's responsibility, it is labeled as the county's responsibility.
- o The electricity for the Highway lighting along the corridor from Prairie Avenue to Lancaster Road will be paid for by the City and the maintenance will be the responsibility of the State.

MOTION: Council Member Panabaker motioned to approve the Memorandum of Understanding as presented. Council Member DeLange provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member DeLange	Yes
Council Member Panabaker	Yes

All members present were in favor and the motion was approved.

D. ACTION ITEM Idaho Transportation Department Cooperative Agreement for Highway 95 Corridor Access Improvements (Federal Aid Project A019(883))

MOTION: Council Member DeLange motioned to approve the Cooperative Agreement as presented. Council Member Panabaker provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

E. ACTION ITEM Resolution to Approve the Idaho Transportation Department Agreement for Federal Aid Highway Project A019(883)

MOTION: Council Member Panabaker motioned to approve the Resolution as presented. Council Member DeLange provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member DeLange	Yes
Council Member Panabaker	Yes

All members present were in favor and the motion was approved.

9. REPORTS

A. City Administrator's Report/Calendar Review

Mr. Boyer provided an update to the BS&A Software conversion and stated that the Finance department is now live with the software. He reminded council of the Jobs Plus Annual Meeting on April 8, 2019 and reported that the Citizen Task Force is moving forward and getting close to completing the law enforcement piece. The next meeting will be April 2, 2019.

B. Mayor/Council Roundtable Discussion (Reports and Non-Action Items)

10. AGENDA ITEMS FOR UPCOMING MEETINGS

11. EXECUTIVE SESSION ACTION ITEM *The vote to go into executive session will be an action item though no action will be taken, and no votes had, in the executive session.*

A. 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.

MOTION: Council Member DeLange motioned to enter into executive session. Council Member Panabaker provided the second.

ROLL CALL VOTE	
Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member DeLange	Yes

All members present were in favor and the motion was approved.

The meeting entered executive session at 6:25 p.m.

12. ADJOURNMENT ACTION ITEM

Council President Saterfiel adjourned the meeting at 7:04 p.m.


 Abbi Sanchez, City Clerk


 Steven J. Griffiths, Mayor

