



**CITY COUNCIL
MEETING MINUTES**

**October 17, 2023
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

- a. Historical Society Discussion

ROLL CALL

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Kenny Shove, Mayor Jacobson - **Present**

Lynn Borders - **Excused**

Kim Brown from the Historical Society spoke about the importance of the Historical Society in Post Falls. They are asking for support of the volunteer group and the preservation of the Chaplin building. City staff would like to focus on the cost of the upkeep of the building. The start of that would be a new lease that would outline the responsibilities of the City and what would be the Historical Society on the upkeep of the building. This information will come back to the Council for review at a later date.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Kenny Shove - **Present**

Lynn Borders-**Excused**

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:
ACTION ITEM**

- a. Proclamation - Domestic Violence Awareness Month
- b. Proclamation - Careers In Construction Month
- c. Residential fall clean-up is Saturday, October 28th. Pick up will be one day city-wide. Items must be placed at the street by 6:00 am. All items must be bagged, bundled or in a garage cart. Items must not exceed 4 ft. in length and 4 ft. in width.
- d. We invite you to stop by City Hall on Halloween from 3 to 5 pm for trick-or-treating.

e. Election Day is Tuesday, November 7th. To find your polling place and other election information visit Kootenai County's website, kcgov.us/elections.

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

The Mayor and members of the City Council have a duty to serve honestly and in the public interest. Where the Mayor or a member of the City Council have a conflict of interest, they may need to disclose the conflict and in certain circumstances, including land use decisions, they cannot participate in the decision-making process. Similarly, ex-parte contacts and site visits in most land use decisions must also be disclosed.

None

1. CONSENT CALENDAR

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council 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 Council agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Minutes – September 19, 2023, City Council Meeting
- b. Minutes - September 26, 2023 Special City Council Meeting
- c. Minutes - September 27, 2023 Special City Council Meeting
- d. Payables September 12, 2023 - October 9, 2023
- e. July Cash and Investment Reports
- f. Joint Powers Subscriber Agreement with ICRMP
- g. Haycrop Commercial Park Addition Subdivision Construction Improvement Agreement
- h. Satre Estates Subdivision Plat Application
- i. Police Department Direct Multi Node VIPER System Contract

Motion by Malloy to approve the Consent Calendar as presented.

Second by Ziegler.

Vote: Shove-Aye, Malloy-Aye, Thoreson-Aye, Ziegler-Aye, Walker-Aye

2. 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. Development Agreement Text Amendment File # TA-23-1

Public Hearing opened at 6:06 pm.

Staff Report/Applicant

Jon Manley, Planning Manager presenting: The City requires a development agreement, pursuant to Idaho Code section 67-6511A, for all requests to zone property to the Technology Community Commercial, or Residential Mixed Zone and in conjunction with all requests for annexation and zoning of property. Additionally the City may require a development agreement as a condition of approving a rezone request. When required, the development agreement must be signed by the property owner and returned to the City within six months of the City Council granting annexations and/or rezone, the change would extend that time period to twelve months.

Testimony

In Favor-None

Neutral -None

In Opposition -None

Public Hearing Closed at 6:09 pm

**Motion by Malloy to approve the Development Agreement Text Amendment File #TA-23-1.
Second by Walker.**

**Vote: Malloy-Aye, Thoreson-Aye, Ziegler-Aye, Walker-Aye, Shove-Aye
Motion Carried**

3. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS

This section of the agenda is to continue consideration of items that have been previously discussed by the City Council and to formally adopt ordinances and resolutions that were previously approved by the Council. Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements.

ACTION ITEMS:

- a. Purchase of Four Replacement Henke Gated Loader Plows

Ross Junkin, Maintenance Manager presenting: The existing loader plows are now five years old and are in need of replacement. The new plows have been redesigned and are structurally more sound. Some of the old plows will be kept as backup. The cost per plow is \$36,462.92. For four plows it will be \$145,851.68. The funds for this are in the FY2024 budget.

Motion by Malloy to approve the purchase of Four Replacement Henke Gated Loader Plows.

Second, by Walker.

Vote: Walker-Aye, Ziegler-Aye, Thoreson-Aye, Shove-Aye, Malloy-Aye

Motion Carried

- b. North Crown Zone Change Ordinance File # ZC-22-7

Motion by Thoreson to place the Ordinance North Crown Zone Change File # ZC-22-7 on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

Vote: Ziegler-Aye, Thoreson-Aye, Shove-Aye, Malloy-Aye, Walker-Aye

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CHANGING THE ZONING CLASSIFICATION FOR THE LANDS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM PUBLIC RESERVE (PR) TO RESIDENTIAL MIXED (RM). PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING THAT ALL PRIOR ZONES APPLICABLE TO LANDS DESCRIBED IN SECTION 1 ARE HEREBY SUPERSEDED; AND PROVIDING AN EFFECTIVE DATE.

Motion by Thoreson to approve Ordinance North Crown Zone Change File #ZC-22-7 and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

Vote: Ziegler-Aye, Thoreson-Aye, Shove-Aye, Malloy-Aye, Walker-Aye

Motion Carred

- c. Thompson Satchwell Annexation Ordinance File # ANNX-22-14

Motion by Thoresonto place the Ordinance Thompson Satchwell Annexation File # ANNX-22-14 on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

Vote: Thoreson-Aye, Shove-Aye, Malloy-Aye, Walker-Aye, Ziegler-Aye

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ANNEXING APPROXIMATELY 283.60 ACRES; PARCEL 1: THAT PORTION OF LAND LOCATED IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 51 NORTH RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; TOGETHER WITH THE NORTH 40 FEET OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; EXCEPT THE WEST 25' THEREOF, PARCEL 2: THAT PORTION OF LAND LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; TOGETHER WITH THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23,

TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO AND ZONING THE ANNEXED PROPERTY PUBLIC RESERVE (PR), COMMUNITY COMMERCIAL MIXED (CCM), MEDIUM DENSITY RESIDENTIAL (R2), AND SINGLE FAMILY RESIDENTIAL (R1) PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Motion by Thoreson to approve the Ordinance Thompson Satchwell Annexation File # ANNEX-22-14 and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

Vote: Thoreson-Aye, Shove-aye, Malloy-Aye, Walker-Aye, Ziegler-Aye

Motion Carried

d. Implementation of Facilities Needs Assessment/Master Plan

John Beacham, Public Works Director, presenting: In June 2023, a discussion was held regarding funding options for future facilities needs. In this discussion, the City Council expressed a priority of investing in long-term facilities vs. short-term improvements with less lasting value. It was suggested that a bond be investigated to fund one or more facility projects. Bond financing is a tool available to municipalities in Idaho. For general fund projects, general obligation (GO) bonds are used, as opposed to a revenue bond for a business-like enterprise such as a water or wastewater utility. A GO bond requires a vote of 66% and 2/3 in the general election. If approved, the municipality is authorized to borrow the approved funds from a bank or the broader bond market. The citizens of the municipality then fund the annual bond payments with a new tax levied in addition to their annual property taxes. Costs include payments to an attorney specializing in bond financing for the government (Bond Council), costs for providing material information to the community, and costs associated with fees and interest charged on the bond itself. Cost information was obtained through discussions with the City's bond counsel and financial advisor.

Instead of a bond, staff recommend the following strategies:

- Continue to dedicate one-time revenues, such as rebates from Urban Renewal and unspent funds in annual budgets, to the facilities funds.
- Consider a small tax increase (less than required for a bond payment) to fund ongoing facilities needs. This would cost less to the taxpayers both in terms of the required amount and in avoiding the need for the costs of the bond itself.
- Develop an outreach program to continually update the community on the state of the city's facilities. This will help to inform the public in the future, if a bond is required at some later date to meet a pressing need or opportunity. The facilities plan does call for a significant bond to be considered in the 2040s to fund major facility upgrades.

e. Well House 11 - Additional Services Agreement with J-U-B Engineers

Jaxon Fleshman, Project Manager presenting: This additional services with JUB Engineers accounts for the additional Construction Management Services (CMS) that are needed to complete the construction of the New Well House. The additional services are required as a result of a delay in equipment delivery, preventing completion of the project. The extended project schedule is attributed to delays in the supply and delivery of equipment, specifically the new well pump. These delays have resulted in the resequencing of work activities onsite, specifically those requiring oversight and inspections by the City's engineering consultant. As a result, this delay represents a change to the original scope of services with JUB. Project completion is anticipated by the end of 2023. Funding will come from the City's Well House 11

Fund. City staff will utilize the \$11,600 in management reserve to partially fund the \$25,600 request. Council approval is for the difference of \$14,000, plus a \$5,000 contingency for unforeseen events or project changes that will benefit the water system.

Motion by Malloy to approve the Well House 11 - Additional Services Agreement with J-U-B Engineers.

Second by Ziegler.

Vote: Malloy-Aye, Walker-Aye, Ziegler-Aye, Thoreson-Aye, Shove-Aye

Motion Carried

4. NEW BUSINESS

This portion of the agenda is for City Council consideration of items that have not been previously discussed by the Council. Ordinances and Resolutions are generally added to a subsequent agenda for adoption under Unfinished Business, however, the Council may consider adoption of an ordinance or resolution under New Business if timely approval is necessary.

ACTION ITEMS:

- a. Well 4 Rehabilitation Engineering and Construction Management Services

Jaxon Fleshman, Project Manager presenting: The 2018 Water System Master Plan identified the need to rehabilitate aging water supply infrastructure to increase system capacity and reliability. The Well 3 and Well 4 wells and well houses were identified as priority projects to ensure supply capacity meets demand requirements. The rehabilitation of Well 3 was completed in late 2021 allowing for design work on the Well 4 project to move forward. The original Well 4 well and well house were completed in 1974 making it the City's oldest currently operating well. The Post Falls Parks Department and Community Development will be included in the design process to ensure the final design meets the needs of all impacted stakeholders. The project schedule is for design through the remainder of 2023, bidding in early 2024, and construction to begin when the necessary construction materials can be procured. Funding for this project will come from the Well 4 Replacement budget. Payment for work outlined in the proposed scope is not to exceed \$352,400. In the event additional tasks are required, the Public Works Director is authorized to direct the use of Taks 300, Management reserve Fund, up to the amount of \$20,000. The total requested amount for Council approval is \$372,400.

Motion by Malloy to approve the Well 4 Rehabilitation Engineering and Construction Management Services.

Second by Walker.

Vote: Walker-Aye, Ziegler-Aye, Thoreson-Aye, Shove-Aye, Malloy-Aye

Motion Carried

- b. Snow Removal Ordinance and Enforcement Policy

John Beacham, Public Works Director, presenting: The overall goals for this ordinance are to provide clarity regarding sidewalk snow removal requirements, document the city's plan to meet ADA snow removal requirements, and to facilitate enforcement in rare instances when it is necessary. Staff is recommending the ordinance saying that every owner or lessee of real property abutting a sidewalk must remove any snow, slush, or ice that accumulates on the sidewalk or pedestrian path, including curb ramps, abutting their property within fourty-eight

hours following any storm causing the accumulation of snow, slush, or ice or within twenty-four hours after receiving an official warning from the City requiring that the snow, slush, or ice be removed. The enforcement policy developed would be complaint driven, initial response would be discussion and education. Citations for willful/malicious non-compliance or repeated issues and provisions for discretion when not feasible.

5. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are 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 the 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, either by subsequent appointment or after tonight's meeting, if time permits. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring Council action must be placed on the agenda of an upcoming Council meeting. As such, the City Council can't 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.

Bob Flowers: Wanted to know if there was any regulations on short term rentals.
Mr. Flowers was told that we have none.

6. ADMINISTRATIVE / STAFF REPORTS

This portion of the agenda is for City staff members to provide reports and updates to the Mayor and City Council regarding City business as well as responses to public comments. These items are for information only and no final action will be taken.

None

7. MAYOR AND COUNCIL COMMENTS

This section of the agenda is provided to allow the Mayor and City Councilors to make announcements and general comments relevant to City business and to request that items be added to future agendas for discussion. No final action or in-depth discussion of issues will occur.

8. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session. No final decision or action may be taken in executive session.

ACTION ITEMS:

- a. Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss legal ramifications and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated.

Motion by Thoreson to enter into Executive Session pursuant to Idaho Code 74-206(1)(f) to communicate with legal counsel for the public agency to discuss legal ramifications and legal options for pending litigation, or controversies not yet likely to be litigated, further that no action will be taken during the session and that the session will last approximately 15 minutes.

Second by Malloy.

Vote: Thoreson-Aye, Shove-Aye, Malloy-Aye, Walker-Aye, Ziegler-Aye

Motion Carried

Entered Executive Session at 6:57 pm.
Exited Executive Session at 7:04 pm.

RETURN TO REGULAR SESSION

a. ACTION ITEM

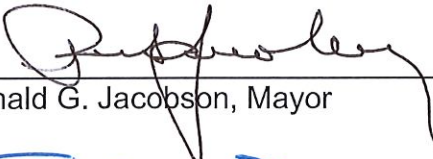
To authorize legal enforcement action in regards to Project Delta.

**Motion by Thoreson to authorize legal enforcement action in regards to Project Delta.
Second by Malloy.**

**Vote: Shove-Aye, Malloy-Aye, Walker-Aye, Ziegler-Aye, Thoreson-Aye
Motion Carried**

ADJOURNMENT

7:04 PM



Ronald G. Jacobson, Mayor



Shannon Howard, City Clerk



Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 408 Spokane Street or call 208-773-3511. City Council and City commission meetings are broadcast live on Post Falls City Cable on cable channel 1300 (formerly 97.103) as well as the City's YouTube Channel (<https://www.youtube.com/c/CityofPostFallsIdaho>).

Mayor Ronald G. Jacobson

Councilors: Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

Mission

The City of Post Falls mission is to provide leadership, support common community values, promote citizen involvement and provide services which ensure a superior quality of life.

Vision

Post Falls, Idaho is a vibrant city with a balance of community and economic vitality that is distinguished by its engaged citizens, diverse businesses, progressive leaders, responsible management of fiscal and environmental resources, superior service, and a full range of opportunities for education and healthy lifestyles.

"Where opportunities flow and community is a way of life"