



**CITY COUNCIL
MEETING MINUTES**

**November 7, 2023
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

Thoreson, Walker, Malloy, Ziegler, Borders, Shove - **Present**

- a. North Channel Rehab - Avista

Avista came to inform the Council of a modernization program that will be starting at the dam. This project will include work on the north channel dam and modernization of the pumphouse. Work is expected to last until 2030.

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
Present

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

- * It's Election Day, polls will be open until 8pm.
- * City Hall and City business offices will be closed this Friday, November 10th in observance of Veterans Day.
- * The City is hosting a Public Open House for our Transportation Master Plan Update on Monday, November 13th from 4 to 6 pm at City Hall. This open house is to hear from the residents and local businesses relative to opinions and recommendations on the Post Falls Transportation System. Your input is valuable to the process. If you are unable to attend, please go to the City's website to provide input and stay current with the process.
- * Join the Post Falls Police Department for Coffee with a Cop on Friday, November 17th 8 to 9:30 am at the Thomas Hammer on E. Mullan Ave. No agenda or speeches, just a chance to ask questions, voice concerns, and get to know the police department staff. The first cup of coffee is on us!
- * (From Chief McLean) We would like to thank the businesses and community members who supported the Police Department by bringing in flowers and meals while offering condolences for Officer McDaniel. Also, thank you to the numerous people who lined the streets in the pouring rain to show support for Officer McDaniel as he was escorted to the cemetery. Finally, I would like to thank the 400 plus officers from the Coeur d' Alene Police Department, Kootenai County

Sheriff's Department, Idaho State Police, and several other agencies reaching as far as Boise for their assistance and participation in the funeral of Officer McDaniel.

a. Safe Passage Presentation

Presentation was give on what is SafePassage and who it helps in the community.

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 – October 17, 2023 City Council Meeting
- b. Payables October 10, 2023 - October 30, 2023
- c. Boyd's Landing Subdivision Plat Application
- d. Kootenai County Public Transportation Agreement
- e. August Cash and Investments
- f. Nagra Annexation Development Agreement
- g. Black Bay LWCF Grant Acceptance
- h. North Crown Zone Change Agreement
- i. Thompson Annexation Agreement
- j. Crack Sealer replacement
- k. Compact Excavator Purchase for the Urban Forestry Division
- l. Hargrave-Hathawy Annexation Agreement File No ANNX-22-8

- m. Nagra Annexation File No. ANNX-22-11 Grant of Right-Of-Way
- n. Nagra Annexation File No. ANNX-22-11 Grant of Easements

Motion by Malloy to approve the Consent Calendar as presented.

Second by Borders.

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

Motion Carried

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:

None

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. Ordinance - Snow Removal

Motion by Thoreson to place the Ordinance Snow Removal in its first and only reading by title only while under suspension of the rules.

Second by Malloy.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING MUNICIPAL CODE CHAPTER 10.48 AND ADOPTING A NEW CHAPTER 10.48, REQUIRING THE OWNER OR LEESEE OF REAL PROPERTY TO REMOVE SNOW FROM PUBLIC SIDEWALKS ABUTTING THE PROPERTY, PROHIBITING PLACING SNOW, DIRT, DEBRIS, AND DE-ICER ON PUBLIC RIGHTS OF WAYS, PROVIDING THAT FIRST AND SECOND VIOLATIONS OF THIS ORDINANCE WITHIN TWO YEARS ARE INFRACTIONS PUNISHABLE BY FINES OR ONE HUNDRED AND THREE HUNDRED DOLLARS RESPECTIVELY, AND PROVIDING THAT A THIRD VIOLATION WITHIN TWO YEARS IS A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS OR BY IMPRISONMENT OF UP TO SIX MONTHS, OR BOTH; PROVIDING THAT

REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL
FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION
ACCORDING TO LAW.

Motion by Thoreson to approve the Ordinance Snow Removal and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

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

Motion Carried

- b. Ordinance - Development Agreement Text Amendment TA-23-1

Motion by Thoreson to place the Ordinance Development Agreement Text Amendment TA-23-1 on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO POST FALLS MUNICIPAL CODE 18.20.190: DEVELOPMENT AGREEMENTS; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Motion by Thoreson to approve the Ordinance Development Agreement Text Amendment TA-23-1 and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

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

Motion Carried

- c. City Hall Remodel – Amendment #2 to contract with Bernardo Wills

John Beacham, Public Works Director presenting: An existing project is under design to add office space to the administration and legal department areas of City Hall, as well as to make upgrades to the building security and council chambers. Part of the project was also to investigate acoustic issues in the rotunda and to make recommendations as to future uses for that space. In August, the scope of the project was expanded to investigate the concept of adding a public conference room to the second floor and to look into the possibility of adding a family restroom off the rotunda. Both of these concepts appear beneficial and feasible. This contract amendment with the architect Bernardo Wills, has been prepared to authorize the necessary design work for the new project elements as well as measures to mitigate the acoustics as recommended in the study. The amendment will also authorize Bernardo Wills to provide construction management services during the remodel project. That effort was not authorized at the time of the initial design contract. This amendment increase is \$158,420 and the funds will come from the budget for the contracts and professional line of the Capital Facilities Maintenance budget.

Motion by Malloy to approve the City Hall Remodel Amendment #2 contract with Bernardi Wills.

Second by Walker.

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

Motion Carried

d. Wastewater Service Truck Procurement

John Beacham, Public Works Director: A search has been conducted for a medium duty truck with a service box and a crane of sufficient capacity to meet the needs of the water reclamation system. Lead times for new vehicles and a subsequent crane body build and installation are approximately 12 months. In June, an attempt was made to procure a vehicle using sole source authorization. However, that vehicle was sold before the process could be completed. Other similar vehicles have also been sold before authorization could be sought, such as a unit from a custom truck-body builder. A local vendor told staff they were having a vehicle built which would match our specifications. The vendor indicated they would submit a bid, if offered, for the truck being built. Hoping to secure an agreement, staff placed a public bid notice and solicited formal bids. None were received, including from the dealer offering to do so. Further discussion indicates dealers are unwilling to commit to selling a vehicle before it arrives and then wish to sell it as quickly as possible. Staff requests authorization to purchase a suitable vehicle directly, \$250,000. This vehicle has been pursued for over a full year, without success.

WHEREAS, The City of Post Falls in fiscal year 2023 approved a budget which included replacement funds for a wastewater service truck; and

WHEREAS, Suitable chassis bodies were unavailable for purchase during the first eight months of fiscal year 2023; and

WHEREAS, In June 2023 City Council determined a sole source procurement was suitable for this vehicle; and

WHEREAS, The vehicle identified for sole source procurement was sold by the dealer before the sole source determination was finalized; and

WHEREAS, In the fall of 2023 Public Works advertised a request for competitive bids for the truck in accordance with Idaho Code; and

WHEREAS, No bids were received by the city; and

WHEREAS, Discussions with manufacturers led city staff to conclude that equipment delivery times were volatile and therefore potential bidders were not willing to risk submitting a bid; and

WHEREAS, Funds were budgeted again for this purchase in fiscal year 2024; and

WHEREAS, Idaho Code 67-2806(2)(h) provides that the governing board may pass a resolution declaring that the subject goods or services can be procured more economically on the open market; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Post Falls that:

The City attempted to procure the subject goods, the wastewater service truck, through a competitive bidding process as outlined in Idaho Code 67-2806, no bids were received.

The City Council finds it as a fact that the subject goods, the new wastewater service truck, can be more economically procured on the open market.

The City Council authorizes the procurement of the new wastewater service truck by the Public Works Director on the open market for an amount not to exceed two-hundred fifty thousand dollars (\$250,000) within fiscal year 2024,

This resolution, passed by a majority of the Post Falls City Council, shall be full force and effect from and after its passage and approval according to law.

Motion by Malloy to approve the wastewater service truck procurement.

Second by Borders.

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

Motion Carried

- e. Ordinance - Nagra Annexation File No. ANNEX-22-11.

Motion by Thoreson to place the Ordinance Nagra Annexation File No. ANNEX-22-11 on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, AN MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 2.830 ACRES, A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 51 NORTH, RANGE 05 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Motion by Thoreson to approve ORdinance Nagra Annexation File No. ANNEX-22-11 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, Walker-Aye, Borders-Aye, Malloy-Aye, Ziegler-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:

None

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.

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.

a. Zoning Information Handout Presentation

Anna Staal, Planner 1 presenting: Anna went over the handouts the Planning department created to help people understand zoning in the City of Post Falls.

b. 2022 Impact Fee Report

Jon Manley, Planning Manager presenting: Impact fees are payments required by local governments for new development for the purpose of providing new or expanded public capital facilities required to serve the community and new developments. The fees are used to shift the costs of financing public facilities from the general taxpayer. A development impact fee report is a requirement for every governmental entity that collects impact fees. The fees shall not be used for any purpose other than system improvement costs to create additional improvements to serve new growth. In FY22, approximately \$4,905,300 were collected in impact fees and \$8,028,926 of impact fees were spent on roads, parks and public safety projects to assist with mitigating growth in the community.

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.

Mayor: It is getting dark earlier, please watch out for kids.

Malloy: Get out and vote.

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 the legal ramifications of 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 the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated, further that no action will be taken during the session and the session will last no longer than 10 minutes.

Second by Malloy.

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

Motion Carried

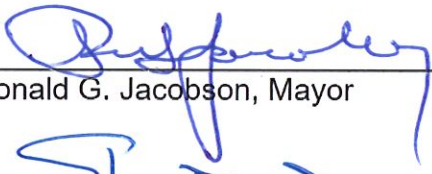
Entered in to session at 6:45 pm.

Exited session at 6:53 pm.

RETURN TO REGULAR SESSION

ADJOURNMENT

6:53 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"