CITY OF POST FALLS

**CITY COUNCIL MEETING MINUTES**

**December 19, 2023 6:00 PM**

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

**WORKSHOP – 5:00 pm Basement Conference Room**

a. Urban Renewal Tech Park Closure Follow Up/City Hall Remodel Plans

Warren Wilson, Deputy City Administrator, presenting: In the 2021 Facilities Plan, City Hall was found to need additional office space, there was a need for the rotunda to be used as a customer service space, there was a need for public meeting space, and to have a financial plan to fund the changes. These changes are being driven by increases in the Admin and Legal staff. Plans for what this would look like were shown and discussed. Construction drawings should be done some time in January to February with the bidding period from February 26 - March 14, 2024. The target construction period is April 1st to October 15, 2024. Funds for the remodel are currently in the Facilities Reserve Fund.
URD Tech Park Closure: On March 7, 2023 City Council had a workshop regarding legal advice on closing an open district early. During this workshop, it was discussed what constitutes a liability. The project list in the OPA was discussed and staff was asked to bring this list back to the Council. The OPA was not brought back to Council to finalize the discussion and to let Council know that the OPA basically contained the project list from the URD plan itself. It is the opinion of the legal department that the list contained in the OPA constitutes a liability and the district would need to remain open as long as this liability exists.

**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**
City Hall and city business offices will be closed Monday, December 25th in observance of Christmas, and Monday, January 1st, in observance of New Year's Day.

a. Request to approve Pat Leffel to the Urban Renewal Commission - **ACTION ITEM**

b. Request to approve the reappointment of Len Crosby and Eric Clemensen to the Urban Renewal Commission - **ACTION ITEM**

c. Request to approve the reappointment of Vicky Jo Carey and Ross Schlotthauer to the Planning and Zoning Commission - **ACTION ITEM**

d. Request to approve Bobby Wilhelm to the Planning and Zoning Commission - **ACTION ITEM**

e. Request to reappoint Krista Noyes to the Parks and Recreation Commission - **ACTION ITEM**

**Motion by Thoreson to approve all of them and to welcome them to and thank them in advance, for the work they are going to do on behalf of the city.**
**Second by Borders.**
**Vote: Thoreson-Aye, Ziegler-Aye, Walker-Aye, Borders-Aye, Malloy-Aye, Shove-Aye**
**Motion Carried**

## 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 – December 5, 2023, City Council Meeting

b. Payables November 28, 2023 - December 11, 2023

c. Purchase of (1) 2024 John Deere 320 P-Tier Backhoe (Parks Cemetery Replacement)

d. Millsap Annexation Grant of Right-of-Way File No. ANNX-22-16

e. Millsap Annexation Grant of Easement File No. ANNX-22-16

f. Bogie Annexation Grant of Right-of-Way File No. ANNX-23-2

g. Bogie Annexation Grant of Easement File No. ANNX-23-2

h. Purchase of 2023 Chevrolet 6500 Dump Body Truck (Parks Construction replacement)

i. DeAtley Annexation Reasoned Decision File No. ANNX-23-1

j. Acceptance of Sewer Easement - Pine & Poppy

k. Millsap Landing Subdivision Construction Improvement Agreement

l. Bogie Annexation Reasoned Decision File No. ANNX-23-2

m. Water Reclamation Facility Tertiary Treatment Project - Request for Increase of Contract Amount with Panhandle Area Council

n. Purchase Playground Equipment for Woodbridge Park

o. Housing Company Zone Change Reasoned Decision File No. ZC-23-1

p. DeAtley Grant of Easement W. Seltice Way ANNX-23-1

q. DeAtley Grant of Easement N. Pleasant View Rd. ANNX-23-1

**Motion by Borders to accept the Consent Calendar as presented.**
**Second by Ziegler.**
**Vote: Borders-Aye, Shove-Aye, Walker-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 -Millsap Landing Annexation File No. ANNX-22-16

**Motion by Thoreson to place the Ordinance Millsap Landing Annexation File No. ANNX-22-16 on its first and only reading by title only while under suspension of the rules.**
**Second by Borders.**
**Vote: Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye**
**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 4.88 ACRES, A PARCEL OF LAND BEING THE WEST HALF OF TRACT 54, BLOCK 25, OF THE PLAT OF POST FALLS IRRIGATED TRACTS AS RECORDED IN BOOK C, PAGES 78-80, RECORDS OF KOOTENAI COUNTY, IDAHO, LYING IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 51 NORTH, RANGE 5 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 the Ordinance Millsap Landing Annexation File No. ANNX-22-16 and to direct the clerk to assign the appropriate number and that it be published by summary only.**
**Second by Borders.**
**Vote: Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye**
**Motion Carried**

b. Ordinance - Bogie Annexation File No. ANNX-23-2

**Motion by Thoreson to place the Ordinance Bogie Annexation File No. ANNX-23-2 on its first and only reading by title only while under suspension of the rules.**
**Second by Borders.**
**Vote: Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye**
**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 5.179 ACRES, A PARCEL OF LAND BEING THE WEST HALF OF TRACT 43 OF THE PLAT OF POST FALLS IRRIGATED TRACTS FILED IN BOOK C OF PLATS AT PAGE 78, RECORDS OF KOOTENAI COUNTY AND A PORTION OF THE BOGIE DRIVE RIGHT-OF-WAY LYING IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 51 NORTH, RANGE 5 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 the Ordinance Bogie Annexation File No. ANNX-23-2 and to direct the clerk to assign the appropriate number and that it be published by summary only.**
**Second by Borders.**
**Vote: Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Border-Aye, Shove-Aye**
**Motion Carried**

c. Ordinance - Housing Company Zone Change File No. ZC-23-1

**Motion by Thoreson to place the Ordinance Housing Company Zone Change File No. ZC-23-1 on its first and only reading by title only while under suspension of the rules.**
**Second by Borders.**
**Vote: Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye**
**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION FOR THE LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM A MIX OF MEDIUM DENSITY RESIDENTIAL (R2) AND COMMUNITY COMMERCIAL SERVICE (CCS) TO THE SMARTCODE 5 (SC5) ZONING DISTRICT. 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 the Ordinance Housing Company Zone Change File No. ZC-23-1 and to direct the clerk to assign the appropriate number and that it be published by summary only.**
**Second by Borders.**
**Vote: Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye**
**Motion Carried**

d. Ordinance - Wastewater Update 13.20

**Motion by Thoreson to place the Ordinance Wastewater Update 13.20 on its first and only reading by title only while under suspension of the rules.**
**Second by Borders.**
**Vote: Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Sy, Malloy-Aye**
**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING MUNICIPAL CODE SECTIONS 13.20.140 AND 13.20.230 TO REQUIRE IMMEDIATE NOTIFICATION OF DISCHARGES OF REGULATED SUBSTANCES INTO THE WASTEWATER STREAM AND REQUIRING THAT WASTEWATER DISCHARGE PERMITS CONTAIN EFFLUENT LIMITS AND A WAIVER PROCESS; PROVIDING THAT THE REMAINING SECTIONS OF THE POST FALLS MUNICIPAL 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 Wastewater Update 13.20 and to direct the clerk to assign the appropriate number and that it be published by summary only.**
**Second by Borders.**
**Vote: Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye, Malloy-Aye**
**Motion Carried**

e. Ordinance - DeAtley Annexation File No. ANNX-23-1

**Motion by Thoreson to place the Ordinance DeAtley Annexation File No. ANNX-23-1 on its first and only reading by title only while under suspension of the rules.**
**Second by Borders.**

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

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 5.826 ACRES, A PARCEL OF LAND BEING A PORTION OF TRACTS 21 AND 22, GREENACRES PLAT NO. 10, ACCORDING TO THE PLAT RECORDED IN THE OFFICE OF THE KOOTENAI COUNTY RECORDER IN BOOK B OF PLATS, PAGE 100, KOOTENAI COUNTY, IDAHO OFFICIAL RECORDS, TOGETHER WITH A PORTION OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 51 NORTH, RANGE 5 WEST AS DESCRIBED IN THE DEED TO THE STATE OF IDAHO, RECORDED OCTOBER 17, 1938 IN BOOK 110 OF DEEDS AT PAGES 151 AND 152, RECORDS OF KOOTENAI COUNTY, IDAHO, TOGETHER WITH A PORTION OF SAID SOUTHWEST QUARTER OF SECTION 32 AND THE NORTHWEST QUARTER OF SECTION 5. TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, ACCORDING TO THE RECORD OF SURVEY RECORDED IN BOOK 19 AT PAGE 234, KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**Motion by Thoreson to approve the Ordinance DeAtley Annexation File No. ANNX-23-1 and to direct the clerk to assign the appropriate number and that it be published by summary only.**
**Second by Borders.**
**Vote: Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye**
**Motion Carried**

f. Comprehensive Plan Resolution CPA-23-1

WHEREAS, Idaho's Local Planning Act, Idaho Code Title 67, Chapter 65, requires Idaho cities to carry out planning duties necessary for the adoption and amendment of a Comprehensive Plan from time to time; and
WHEREAS, On April 11, 2023, the Post Falls Planning and Zoning Commission held a public hearing, in compliance with provisions of the Local Planning Act, concerning the adoption of the Post Falls Comprehensive Plan Amendment and recommended that the Amendment be adopted by the City council; and
WHEREAS, On July 5, 2023, the Post Falls City Council also held a public hearing to consider the Amendment and after consideration, directed that city staff prepare a resolution to adopt the Plan.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Post Falls, Idaho that the first paragraph on page 1-14 of the adopted 2020 Post Falls Comprehensive Plan be amended to read as follows;
Focus Area Descriptions
Post Falls is a highly diverse place, with many areas - in and out of City Limits - that have yet to be developed. For this reason, this plan provides both a Future Land Use Map (Figure 2.03) and a "Focus Area" map with descriptions that articulate in ways the land use map cannot, the overall vision for what Post Falls expects from each area within its Area of City Impact (ACI). These two approaches are to be used in tandem, effectively expressing the City's policies for its rapidly transforming landscape.
The table below is provided for quick reference in conjunction with Figure 1.04. A set of matching, landscape-format, 12-point font sheets are provided in Appendix A. The outer boundaries on Figure 1.04 are representative of the Focus Areas and are not intended to be

definitive. Focus Area boundaries on the periphery of the map extend to the City's Area of City Impact boundary, including those areas contained within the Shared Tier Area of City Impact. These areas include the West Prairie, Central Prairie, 41 North, and East Prairie Focus Areas. This Resolution, passed by a majority of the Post Falls City Council, shall be in full force and effect from and after its passage and approval according to law.

**Motion by Thoreson to approve the Resolution Comprehensive Plan Resolution CPA-23-1 and to direct the clerk to assign the appropriate number.**
**Second by Malloy.**
**Vote: Borders-Aye, Shove-Aye, Walker-Aye, Malloy-Aye Ziegler-Aye, Thoreson-Aye**
**Motion Carried**

g. Contract Amendment with JUB Engineers for WRF Master Plan

Craig Borrenpohl, Utility Manager presenting: The City of Post Falls Water Reclamation Division continues to work on the Water Reclamation Facility Master Plan. Additional task items such as an Alternative Rate Analysis, Influent Pipeline Feasibility Analysis, and Impact Fee Methodology have pushed completion of the master plan beyond the originally anticipated completion date. Staff determined it would be preferable to extend the work period of the Master Plan rather than rush the completion and adoption of the facility plan before the end of the existing council term. Staff also believe it would be advantageous to utilize additional time to inform new council members about the planning efforts and build consensus on the long term plans and rate structure included within the draft Master Plan. A workshop is also planned for all interested council members to tour the facility and see the new tertiary facilities nearing completion. An optional open house is scoped and, if authorized by the Public Works Director, would allow for consultant time to host an open house detailing the draft Master Plan and consider any comments received from the public. For the additional WRF Master Plan work, it would be $36,290. The optional public involvement open house time and materials would not exceed $17,330. The total being asked for is $53,620.
Malloy: I think the scope you have added to the facility plan , it is better to spend a little time and effort up front, problems on the back end tend to get expensive.
Borrenpohl: We will be having a tour for Council coming up.

**Motion by Malloy to approve the contract amendment with JUB Engineers for WRF master plan.**
**Second by Borders.**
**Vote: Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye**
**Motion Carried**

**Field Herrington introduced our new Deputy City Attorney Chris Gabbert.**

## 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. Resolution Adopting Outside Agency Funding, Representation, and Fund Balance Policies

Warren Wilson, Deputy City Administrator, presenting: City staff is proposing two new policies as well as amendments to a thirds policy. The first policy addresses how staff and elected officials are selected and appointed to represent the city on outside boards and agencies. Generally, the mayor, as the city's chief administrative officer, is entitled to serve as the city's representative. However, given the number of boards, having the mayor serve on all such boards is unfeasible. This policy allows the city administrator to appoint and remove staff representativer in the best interest of the city. Where an elected representative is needed, the policy outlines the process for the mayor to select a city council member to represent the city in place of the mayor. The policy also outlines the duties of the selected representative when representing the city. Generally, this involves preparing for the meetings and representing the interests of the city and not personal interests.

The second policy establishes a process to evaluate requests from outside agencies and non-profit organizations for funding. The policy establishes an application and review process that allows the request for funding to be evaluated to ensure that the request has a public purpose that provides a benefit to the city.

The third policy is an update to the existing policy establishing reserve amounts for the city's various funds. The main change in the policy allows city staff to transfer any unexpended general fund balance amounts at the end of the fiscal year into both the vehicle replacement account (50%)and the facility fund (50%) rather than just into the vehicle replacement fund. The intent of this change is to begin accumulating the additional funds needed to construct and/or remodel the facilities identified in the facilities master plan.

WHEREAS, the City of Post Falls adopts policies to provide guidelines to ensure effective and efficient city operations; and

WHEREAS, from time to time, city staff review and update policies to ensure that the policies remain effective and

WHEREAS, city staff are proposing the adoption of the following new or amended policies; and

WHEREAS, the City Council finds it to be in the best interest of the city to adopt such policies.

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

Section 1 Policy Adoption.

That the following policies attached hereto as exhibits are adopted:

1. Representation on Outside Agencies
2. Funding Outside Agencies
3. Fund Balance/Rollover

Section 2. Repeal of Conflicting Policies.

Policies that conflict with the policies adopted by this Resolution are hereby repealed.

Section 3. Effective Date.

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

Mayor: On the Panhandle Area Council appointee, is that not Jerry Lyon's representing us?

Shelly Enderud, City Administrator: He is.

Wilson: I pulled that off their website and it might not be correct.

Malloy: On the outside agency funding and representation, those are policies that did not formally exist before.

Wilson: Not formally, there was a sort of policy, but it was in the form of an application.

Malloy: This is a giant leap for mankind to have these policies formalized.

Mayor: On representation, you are representing the city's position. If there is a conflict or question, they need to come back to the Council to discuss it.

**Motion by Malloy to approve the Resolution adopting outside agency finding, representation, and fund balance policies.**
**Second by Borders.**
**Vote: Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye**
**Motion Carried**

b. I90 / SH-41 Interchange (Project A02(442)) Water Main Insertion Valves

Rob Palus, Assistant City Engineer, presenting: On June 15, 2023, the City entered into a cooperative construction agreement with the State of Idaho (ITD) for the construction of the I-90/SH41 Interchange. Part of the city's responsibilities within the agreement includes modifications to the city's water system at the intersection of Mullan Ave and SH41 to accommodate the state's project. ITD is constructing the modifications to the city's water system at the city's cost. In order to complete the work within the intersection, the existing 18-inch main water trunkline in Mullan Ave. will need to be disconnected, essentially isolating the city from the Highlands and the Highlands Reservoirs for a period of up to 24 hours. With the reservoirs isolated, there will be limited water availability in the Highlands and reduced ability to provide sufficient fire flow in the event of an emergency. The city has worked with the state and their contractor on the feasibility of utilizing "insertion valves" that would reduce the time frame and risks associated with construction of water main revisions. The costs for acquisition and installation of two insertion valves for the project is estimated at $101,421.55 and was based on the review of three quotes acquired by the contractor. Use of the two valves would allow for the opportunity of the city to reduce other costs by up to $25,000 with the removal of two other valves. The inclusion of the valves would represent a cost increase of 14%. Additional work items associated with the valve installation would be covered by the state as part of the project.
Borders: It makes good sense to have back-ups.
Malloy: We shouldn't leave anyone without water. That is a pretty big risk, and we will end up with a better water system for not much cost.

**Motion by Malloy to approve I90/SH-41 Interchange (Project A02(442)) Water Main Insertion valves.**
**Second by Borders.**
**Vote: Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye**
**Motion Carried**

c. Request to Hunt on Land Application Property

Craig Borrenpohl, Utilities Manager presenting: Staff received a request to hunt geese on the Land Application Property. This was denied at the staff level due to the city code saying it was illegal to discharge firearms in the city limits. The requester asked for Council consideration on the matter. Staff is seeking policy guidance from the Council. The land in questions currently has an existing lease on it for farming. If this was allowed, the lease would have to be amended. City Code 9.36.030 prohibits firearms discharge in the city limits. If aloud this code will need to be changed. Staff has concerns about administration, public concerns, and noise if allowed. Staff's recommendation is to maintain the shooting prohibition in the city limits.
Mayor: This has come before us before and the Council has been fairly consistent in their position.
Thoreson: The fact that it is city property, but it is leased to farmers to farm, is not a straight forward thing.I cannot imagine going back and redoing the leases and the enforcement of it. I

cannot see where any part of that makes sense.
Malloy: I looked it up today that there is over 360,000 acres of public land in Kootenai County alone where hunting is permitted, 43% of the entire land mass of the county, so there is plenty of opportunity for hunting in the county not far away. The city has grown up and trying to manage that to keep a 300 yard buffer between the nutter and buildings and trying to enforce that's a whole lot of liability and risk when there is 360,000 acres within a minutes drive for that purpose. I would vote to kill it.
Borders: I think management would be impossible.
Ziegler: I agree. It is compelling when you drive by a field full of geese, and you try and figure out how am i going to get out there and get them. I remember seeing elk out on the prairie and trying to figure out how I could get out there. I agree with everyone that the safety aspect is the biggest reason for me.

**Motion by Malloy to deny the request to hunt on land application property.**
**Second by Borders.**
**Vote: Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye, Malloy-Aye**
**Motion Carried**

d. 2024 Water Distribution Project - Design Contract with Century West

Craig Borrenpohl, Utilities Manager, presenting: The 2018 Master Plan recommended implementation of a formal pipeline replacement program. It recommended 1% of the system should be replaced annually. Project selection should be based on infrastructure age, condition, and operational difficulties. The Water Division maintains a pipeline replacement fund to complete the necessary replacement of aged water distribution mains. Selection of projects is based on prioritization based on field investigations and recommendations documented in the 2018 Water System Master Plan. The selected project for the 2024 annual replacement program includes replacement of water mains within Westwood Drive, Sandpiper Loop,Pinewood Drive, Ridgewood Drive, portions of Ross Point Road, Maplewood Avenue, 1st Avenue, and Ponderosa Blvd. The contract with Century West will allow for preliminary engineering, field survey, preliminary and final system design, and bidding support. The contract does not cover construction or construction management. The contract is for $100,000 with a 10% contingency of $10,000 for unforeseen events or project changes that would benefit the water system. Funding would come from the Distribution System Design fund.
Malloy: The 1% of the system seems fully conservative.
Borrenpohl: We are always upgrading our model. The 1% gets to be very expensive and can come out to a million dollars a year on replacement.

**Motion by Malloy to approve the 2024 Water Distribution Project Design Contract with Century West.**
**Second by Borders.**
**Vote: Thoreson-Aye, Borders-Aye, Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye**
**Motion Carried**

e. Landmark Place Annexation Agreement - File No. 0003-2019

Warren Wilson, Deputy City Administrator presenting: This annexation agreement has been out there for some time and lines up nicely with the purchase and sale agreement, so I will present both of them at the same time. The annexation was approved in 219 with R-1 zoning. The agreement complemented with the Rose of Sharon purchase and sale agreement (PSA). This was delayed largely because they need to extend a water line under the freeway and that took

some time to design. The PSA is to purchase .49 acres that will be used for public utility pipelines (sanitary sewer main, sanitary sewer outfall line, reclaimed water line to the Community Forest) and a pedestrian bike path from Lundy to the Centennial Trail. The purchase price is $165,000 and the assessed value is $247,000. They will retain an easement for a private driveway.

**Motion by Malloy to approve the Landmark Place Annexation Agreement File No. 0003-2019.**
**Second by Borders.**
**Vote: Borders-Aye, Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye**
**Motion Carried**

f. Rose of Sharon Purchase and Sale Agreement

**Motion by Malloy to approve the Rose of Sharon purchase and sale agreement.**
**Second by Borders.**
**Vote: Shove-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye**
**Motion Carried**

g. Purchase Agreement with SWS Equipment for a CCTV Camera Truck

Craig Borrenpohl, Utilities Manager, presenting: This camera truck would allow for inspection of the sewer collection system without having to physically enter the system. It will help identify problem areas before they surface and will help to accurately inventory the system to be incorporated in our GIS system. The truck would cost $249,586.67 from SWS Equipment and would be funded from the New Vehicles/Equipment budget line.
Malloy: I think it is not just a comfort issue not having to send people down in the lines. Most of the lines are not big enough to get a person in any way. Some access points are very far apart and $249,000 may seem like a lot of money but in the long run it will save money.

**Motion by Thoreson to approve the purchase agreement with SWS Equipment for a CCTV camera truck.**
**Second by Malloy.**
**Vote: Walker-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Borders-Aye, Shove**
**Motion Carried**

h. I-90 Corridor Study Workshop Recap and Letter of Support Consideration - **NOT AN ACTION ITEM**

Bill Melvin, City Engineer, and Rob Palus, Assistant City Engineer, presenting: We are asking for consideration not action tonight. At the November 21st workshop, ITD's consultant provided a brief presentation of the I-90 corridor study through the Post Falls area, outlining the two current options that are under consideration. Staff is discussing providing a letter of support for option B.
Malloy: If the estimated cost of option B is 200 million dollars, does that mean ITD is going to pay 200 million dollars?
Melvin: Yes, it is premature to see if there will be cost-sharing in the future.
Malloy: There is so much still unknown. A lot can change. I feel that we might be a head of endorsing a choice. Also, we have new councilors coming in who might not have a chance to look at this yet. It is too early in the process. In the workshop, the public chose option C. There is the optics of the people wanting option C, and we are endorsing option B. it looks like we are not listening. Additional public input would be welcome and more public education.

Walker: I agree with waiting on the letter.
Borders: To apply for the funding they will need to be pretty locked down on the design and ready to go.
Enderud: I suggest we bring this back to a future meeting.
The council agreed.

## 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. Prairie Avenue / Spokane Street Project Summary

Rob Palus, Assistant City Engineer presenting: Improvements were made to match the roadway classification of a Major Collector road.
- two travel lanes (30mph)
- two bike lanes installed (both sides)
-replaced existing roadway surface
- installed curb & gutters
- installed sidewalks (both sides)
- installed roadway illumination
- water line improvements

Final construction costs were $5,188,529.29 which was under the awarded contract amount by $192,848.22 or 3.2%.

b. Ponderosa Lift Station Project Staff Report

Jaxon Fleshman, Project Manager presenting: The Ponderosa Lift Station was originally constructed in 1985 and identified in the 2018 Collections Master Plan as a high priority to upgrade due to the no overflow storage. The Ardurra Contract final was $459,481.96 and the Strider Contract final was $3,018,213.09.

## 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: I wanted to wish everyone a Merry Christmas.
This is the last full meeting of Lynn and Kerri. Thank you for all the contributions you have made to the city.

## 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 yes 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 that the session will last approximately 10 minutes.**
**Second by Malloy.**
**Vote: Thoreson-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye, Borders-Aye, Shove-Aye**
**Motion Carried**

Entered into Executive Session at 7:42 pm.
Exited Executive Session at 7:52 pm.

**RETURN TO REGULAR SESSION**

**ADJOURNMENT**
**7:52 PM**

CITY OF POST FALLS INCORPORATED MAY 28 1903 IDAHO

Kerri Thoreson - Council President

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"