



**CITY COUNCIL
MEETING MINUTES**

**May 7, 2024
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

- a. Water Reclamation Facility Master Plan

Craig Borrenpohl, Utilities Manager: During the workshop the history of the master plan development was given. Key points from some chapters were pointed out. The Capital Improvement Plan was gone over. And finally, the path to plan adoption was laid out.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Samantha Steigleder, Josh Walker, Joe Malloy, Nathan Ziegler, Randy Westlund, Kenny Shove
Steigleder, Walker, Malloy, Westlund, Shove - Present
Ziegler - Excused

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

Mayor: Congratulation to Rob Palus for his promotion to City Engineer. It is well deserved.

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.

Malloy: The Public Hearing on the subject property, I drive by it all the time and my wife frequents the coffee stand there.

Field Herrington, City Attorney: As long as you can fairly judge it, it should be fine.

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 - April 11, 2024 City Council Workshop
- b. Minutes – April 16, 2024 City Council Meeting
- c. Payables April 9, 2024 - April 29, 2024
- d. Lumen Phone & Internet Contract
- e. Updated Appendix X to the Haycrop Commercial Park (aka Jacklin Ranch) Construction Improvement Agreement
- f. Intergovernmental Fee Waiver Agreement with Kootenai County Fire and Rescue
- g. Purchase of John Deere Wide Area Mower for the Parks Division
- h. Foxtail 10th Addition Subdivision Construction Improvement Agreement
- i. Jacklin Ranch (aka Haycrop Commercial Park) Subdivision Plat Application
- j. Legion Park Annexation Reasoned Decision (ANNX-23-7)
- k. Arche Annexation Reasoned Decision (ANNX-23-4)

Malloy: On item f, is there roughly the same number of inspections the fire department does for the city that they would waive the amount we would do and waive for the fire department?.

Herrington: We looked, and it came out as a wash.

Motion by Malloy to accept the Consent Calendar as presented.

Second by Westlund.

Vote: Shove-Aye, Malloy-aye, Stiegleder-Aye, Westlund-Aye, Walker-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:

- a. Our Next Venture Zone Change File No. ZC-23-4

Public Hearing opened at 6:04 pm.

Staff Report

Ethan Porter, Associate Planner: The applicant is Scott McArthur of McArthur Engineering and the Owner is Stan Groves, Our Next Venture LLC. The requested action is the applicant is seeking the City Council to approve a rezone of approximately 3.1 acres of Industrial (I) to Community Commercial Services (CCS). The property is generally located at the SW corner of N. Cedar St. and E. Seltice Way. The approval of the requested zoning is based on review criteria per PPMC 18.20.100:

Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan? Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration? Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city?

Malloy: What commercial uses are permissible in CCS and not in Industrial?

Porter: We have a land use table that would need to be referenced.

Malloy: Si if someone was looking at this, one of the things not permitted in industrial is residential.

Porter: Correct, in CCS zone it is out right permitted to have some kind of retail in the first floor with some kind of residential above.

Westlund: If I remember correctly one of the key differences between Industrial and CCS is setbacks. CCS has not set backs.

Porter: Correct.

Applicant

Scott McArthur, McArthur Engineering: Does it meet the intent of the City's Comprehensive Plan, does it put a demonstrable impact on the City. It is zoned commercial in the future land use map. There is no demonstrable impact to the city. While residential use is permitted in a mixed use zone, it is not our intent to do it.

Steigleder: Can you tell us what you plan to put there?

McArthur: Standard commercial services.

Steigleder: Would you be open to a development agreement that would allow no residential development?

McArthur: Yes.

Testimony

In Favor - None

Neutral - Megan Rounds (Post Falls) - I live in Riverside Harbor and there is a group of us concerned they can put residential above it and the Cedar St intersection is really congested already. I am neutral to the commercial but in opposition to the residential.

In Opposition - None

Rebuttal

McArthur: It is our intent to just do commercial. The property is quite narrow.

Public Hearing closed at 6:25 pm.

Discussion

Zoning Criteria

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

Malloy: Yes, it is more consistent than Industrial.

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

Malloy: The focus area talks about more commercial and job opportunities along the Seltice corridor and it improves pedestrian connectivity.

Stiegleder: It will meet the goals if there is only commercial but not if there is residential.

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

Westlund: All said no.

Malloy: Is there heartburn if there is a development agreement?

Herrington: This is something the Council can consider and do, my only caveat is we have zoning in place for a reason and anytime you add a development agreement to a single parcel you are placing an additional restriction on a single parcel.

Mayor: I see what you mean but if we have a developer that is ok with on I feel we would not be signaling them out.

Westlund: I do not see why we would need to add anything, we demonstrated it is compliant with the zone.

Shove: I do not have a concern that residential will go in there. That seems like the most unlikely place.

Steigleder: I would like the restriction. This would represent what the people want.

Walker: I am ok either way.

Motion by Malloy to approve the Our Next Venture Zone Change File No ZC-23-4 with a development agreement prohibiting residential.

Second by Steigleder.

Vote: Malloy-Aye, Steigleder-Aye, Westlund-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. Public Works Operation Center Planning Services

John Beacham, Public Works Director: In 2021, the City completed a Facilities Plan establishing a program of capital projects to meet existing and future operational needs. One aspect of the plan is to relocate the existing Streets, Fleet, and Water Division facilities to a new location

because the current location at the Water Reclamation Facility will be needed for future expansion. The new combined facility is referred to as the future Public Works Operations Center. Towards this end, approximately 9.5 acres was purchased in 2022. Another aspect of the plan was to provide temporary improvements to the existing combined facilities. Initial design work for those improvements was conducted in 2023. As part of the initial design, the architect provided a very rough estimate of the cost to construct the first phase of the Public Works Operations Center to compare against the remodeling costs. This information was presented to the city council, who directed staff to pursue the permanent improvements instead of making the temporary improvements to the current facility. The proposed contract is the next step in that process. This project will provide site planning services and determine what will be included in the first phase of construction. This phase will be designed to allow for future expansion and to be compatible with the future adjoining city park. This phase will also provide more refined cost estimates suitable to allow budgeting of the project. Integrus Architecture and other firms were selected for the city's architectural services roster by the City Council on January 26, 2023. Earlier in 2024, staff interviewed the firms on the roster and found Integrus to be the most qualified for this project.

**Motion by Malloy to approve the Public Works Operation Center Planning Services.
Second by Walker.**

**Vote: Steigleder-Aye, Westlund-Aye, Walker-Aye, Shove-Aye, Malloy-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. Community Garden Parking Lot Construction Agreements

Robbie Quin, Parks Planner: On May 28, 2019, the Parks and Recreation Commission approved the master plan design for the community garden that was developed by Bernardo Wills Architects. Following the approved master plan, JUB was contracted to provide engineering services to develop construction documents for the parking lot and related site improvements in 2020. In April, the City opened bids for the parking lot. Four bids were received. LaRiviere submitted the apparent low bid of \$582,547.33. The engineer's estimate for construction was \$550,000. After review, JUB and City staff believe the bid to be responsive and recommend the project be awarded to the low bidder, LaRiviere. This scope will include parking lot improvements such as curb and gutter, sidewalks, stormwater drainage, lighting, and asphalt paving. Additional site improvements will include a new water service, concrete, asphalt, and gravel trails, landscaping and irrigation, and site furnishings. Staff is also seeking council approval for a contingency of 10% in the amount of \$58,254.73 for potential change orders of unforeseen conditions for a total construction amount of \$640,802.06. Change orders utilizing the contingency funds will require approval and signature by the Parks and Recreation Director or his designee. Additionally, the staff is seeking council approval for the contract with JUB for construction administration and observation of \$30,000. JUB will provide contract administration such as submittal review, review and preparation of contractor pay requests, and preparation of change order documentation. JUB will also provide construction observation such as construction

diaries, materials review, testing procedure, workmanship observation, quantity tracking, erosion and sediment control compliance, punch list, and substantial and final inspections. This contract will be billed based on actual working hours, and it is assuming 12 weeks of construction. The funding source for these contracts will be Park Impact Fees and the general fund.

Steigleder: We are paying for it out of impact fees, we we have funding going forward to maintain and update it?

Quinn: The Parks Department is aware of the upkeep.

Motion by Malloy to approve the Community Garden Parking Lot Construction Agreements.

Second by Walker.

Vote: Westlund-Aye, Walker-Aye, Shove-Aye, Malloy-Aye, Steigleder-Aye

Motion Carried

b. Purchase of Pump for the 3rd. Avenue Lift Station

Craig Borrenpohl, Utilities Manager: The 3rd Avenue Lift Station was evaluated by engineer consultant Keller Associates to ensure pumping rates would be adequate for anticipated increases in flow rates at the lift station in the coming years. Typical equipment selection procedures were followed for this motor. However, procurement of goods at this price level requires authorization from the City Council, which is why this agenda item is being presented.

Mayor: Is there a pump there now, and can it be utilized somewhere else?

Borrenpohl: Yes, and we do that often.

Motion by Malloy to approve the purchase of pump for the 3rd Avenue Lift Station.

Second by Westlund.

Vote: Walker-Aye, Shove-Aye, Malloy-Aye, Steigleder-Aye, Westlund-Aye

Motion Carried

c. Solids Hopper Building Modification - Bid Review

Borrenpohl: The City entered into a contract with JUB for engineering design and project bidding support services for modifications to the Water Reclamation Facility Solids Hopper and Hopper Building. The project design was completed, and the city ordered several of the larger valves for the modification project. This order was authorized by the Council on December 5, 2023. The remaining construction items were informally bid on by three contractors. Bids were opened on April 2, 2024. The received bids were all above the limits set forth in IDAPA 67-2805 and City Legal was consulted on options for moving the project forward. While a legal analysis of procedures indicates a bid award may be possible, staff believe the best option is to reject all bids and not award the project at this time. If rejected, the Solids Hopper Modifications project will be incorporated into a larger set of needed projects at the Water Reclamation Facility. This larger package will then be rebid following typical competitive open bid procedures. If awarded, the bid may be challenged by contractors for not meeting the "Semi-Formal" bid limits.

Motion by Malloy to reject the solids hopper building modification.

Second by Westlund.

Vote: Shove-Aye, Malloy-Aye, Steigleder-Aye, Westlund-Aye, Walker-Aye

Motion Carried

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. Spokane Street Project

Andrew Arbini, Projects Division Manager: The project will replace the asphalt pavement, relocation and replacement of fire hydrants, ADA pedestrian ramps, dry conduit installation, surface crossing improvements at BNSF Railway crossing. This will be funded with a \$1.17 million ITD Strategic Initiatives Grant. The timeline of the project is to start construction in July 2024 and have completion in October 2024.

b. Community Parade Support Request - Nonprofit Application

Shelly Enderud, City Administrator: Currently Post Falls has one parade a year, and it is at the Post Falls Festival. The Post Falls Community Ambassadors host it, the Post Falls Chamber assists and accepts applications. The Community Ambassadors receive applications and sponsor fees. The City has provided traffic management, security, assistance with planning, golf carts, clip boards, cones, and sandwich boards. The current practices are not sustainable. The estimated cost to the city for staffing is \$11,000. The Police Department does not have adequate staffing this year. We have no formal policy on this type of event. A formal policy would provide clear directions and ensure the safety of citizens and employees. The staff is recommending a parade policy including fees for application processing, rentals, street closures, city personnel support. The staff is also recommending the parade host to provide traffic management to include street closure applications, insurance, and staging. For this year we are looking for direction on whether the council wants us to develop a policy and should it be applied to this year or should we continue without a policy and provide support this year, do not provide support this year, or provide limited support this year.

Malloy: It is important to have a policy.

Westlund: What is the expected cost if the ambassadors were to take over the cost.

Enderud: We do not have that number now but we will get it.

Westlund: I am not against the City providing some support but a policy laying out the responsibilities and costs would be beneficial.

c. Exit Interview Procedures

Janet Best, Human Resources Director: The purpose of exit interviews is to understand the reasons for employee departure. This would gather feedback for organizational improvement. The information shared is kept confidential. Exit interviews are conducted during the last week of employment or shortly after resignation, and it is up to the employee whether they would like to interview. Exit interviews are not typically done with terminated employees (after conferring with

ICRMP) or employees who resign in lieu of termination as they are offered a name clearing hearing. The participants are an HR representative and the employee and the format is a structured questionnaire or open-ended discussion. Responses are recorded for analysis and action, aggregated to keep confidential. The interviews are used to identify trends and issues in the work environment or management, inform about HR policies, training programs and retention strategies.

Shove: What would it take for us to see all the exit interviews? Is there a problem legally for us to do that?

Herrington: First off, they are confidential public records. The person would have to consent to that record being shared. Personnel issues are the preview of the Mayor's office as the Chief Executive of the City where the Council functions more as a policy setting legislative body.

Shove: If someone doesn't want to come into an interview is there some way we could maybe email them some questions?

Best: We have talked about doing that.

Westlund: So we have done the interviews in the past and have data?

Best: Yes.

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.

Shove: The Citizen issue section, could we move it up in the agenda or have two sections?

Mayor: We will have staff look into it.

Malloy: If I remember, we had the problem of people wanting to talk about something that was on the agenda and they could not.

Herrington: Also, it was placed right before the Mayor and Council Comments so if a citizen brings something up, the Council or the Mayor could ask for it to be brought back to a future meeting.

Westlund: I am going to a budget summit in June. The purpose is to use data and plug it into their tool and see how it works.

Steigleder: I wanted to thank officer Jack Casey for the bust of a lot of weapons and items a few weeks ago.

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. **ACTION ITEM** 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 Malloy 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 5 minutes.

Second by Walker.

Vote: Malloy-Aye, Steigleder-Aye, Westlund-Aye, Walker-Aye, Shove-Aye

Motion Carried

Entered into session at 7:36 pm.

Exited session at 7:46 pm.

RETURN TO REGULAR SESSION

- a. Authorizing Staff to Mediate Claim and or Settle as Discussed in Executive Session -
ACTION ITEM

Motion by Malloy authorizing staff to mediate claim and or settle as discussed in
Executive Session.

Second by Walker.

Vote: Steigleder-Aye, Westlund-Aye, Walker-aye, Shove-Aye, Malloy-Aye

Motion Carried

ADJOURNMENT

7:46 PM



Ronald G. Jacobson, Mayor



Shannon Howard, City Clerk

Shannon O'Neill, Deputy 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: Samantha Steigleder, Josh Walker, Joe Malloy, Nathan Ziegler, Randy Westlund , Kenny Shove

Mission
Building Community.