



**CITY COUNCIL
MEETING MINUTES**

**July 2, 2024
6:00 PM**

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

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

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

Ronald Jacobson, Mayor: City Hall and City business offices will be closed Thursday, July 4th in observance of Independence Day. The Post Falls Festival is happening from July 12th to 14th at Q'emiln Park. Don't miss the Festival Parade on Saturday, July 13th at 10am. Visit the City's website for the full schedule of events.

- a. Freedom Award Recognition for Joseph Moran

Jacobson: I would like to recognize Joseph Moran on being awarded the prestigious Freedom Award. One of the significant contributions that led to this recognition was Joseph's exemplary work on the trails at Kiwanis Park. I want to congratulate you on your remarkable achievement and thank you for your service to our 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.

Warren Wilson, Deputy City Administrator: We would like to pull item 3b the Tiny Home Standards Ordinance and put it on the next agenda. There is an error in the summary that is attached. It autopopulates in that section and, for whatever reason, it didn't autopopulate there, so we need to fix that.

**Motion by City Council Steigleder to Approve the removal of item 3b from the agenda.
Second by City Council Ziegler.**

Ayes: City Council Walker, City Council Ziegler, City Council Shove, City Council Steigleder, City Council Westlund

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 06-18-2024, City Council Meeting
- b. Payables 06/12/24 - 06/25/24
- c. April Cash and Investments
- d. Kruger Annexation Denial Letter File No ANNX-23-5
- e. Boyd's Landing 1st Addition MDA File No SUBD-23-5
- f. The Post PUD Construction Improvement Agreement
- g. Northshore Subdivision MDA File No SUBD-23-3
- h. Legion Park Annexation Grants of Right-of-Way File No ANNX-23-7
- i. Legion Park Annexation Grant of Easement File No ANNX-23-7

Motion by City Council Ziegler to accept the Consent Calendar as presented.

Second by City Council Westlund.

Ayes: City Council Walker, City Council Ziegler, City Council Shove, City Council Steigleder, City Council Westlund

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. Title 18 and 18A Housekeeping Ordinance TA-24-1

Public Hearing Opened at 6:06 pm

Jon Manley, Planning Manager Presenting: We would like you to review and approve the proposed changes to Title 18 and title 18A. The first one deals with PFMC 18.20.130 subsection A4 that deals with site plan reviews and what triggers improvements. The second is with PFMC 18A.20.070 Subsection 2, which deals with how you establish stories within SmartCode. For Title 18, site plan review, before what was stricken was a 25% or more change within a structure and that was defined by the international building code. The revised provides more clarification. A change of use within an existing structure of 25% or more, an expansion of an existing structure of 25 % or more, or any change of use on the site itself where improvements are required within PFMC. So, instead of the building code looking at what establishes the change of use, we would be looking at our code. For title 18A, staff and applicants were often confused about how to calculate two stories with the wording of the current code. To fix that, we parsed it out into other sections in i, ii, and iii.

Steigleder: Can you tell me what happens between 14 and 18 feet? A single story can't exceed 14 feet, has to be at least 11, but a second story starts at 18 feet.

Manley: If you have a residential function, the max would be at 14 feet.

Steigleder: Even if it was the second story.

Manley: Yeah, if it was the second story you could go 14 feet in the second story. Each story would get you no more than 14 feet. So a four-story building, in essence, could be 56 feet.

Steigleder: If a building is a non-residential function and is between 18 and 25 feet, it will be counted as two stories. So no building can be 16 feet unless it has a mezzanine or a parapet or something.

Manley: You could still do a 16-foot-tall single level building. You just wouldn't get credit for a two-story building. You would have to be 18 to 25. SmartCode requires in both SC4 and SC5 a minimum of two stories for you to be in that zone.

Jacobson: This all goes back to SmartCode

Field Herrington, City Attorney: It really goes to counting the stories. You get credit if it is past 18 up to 25.

Westlund: I'm a little confused on the same point. The story may not exceed 14 feet, but if the ground level is over 18 feet it counts as two stories.

Ziegler: For non-residential.

Westlund: Yeah, if it's a commercial use on the ground floor that's 17 feet, is that still a one story and allowed?

Manley: It would be considered a single story, you would still need to have another story because SmartCode requires two stories. If you have 17 feet on the first floor you would have to have another story above that.

Westlund: There's a little bit of a gap between the 14 feet and then the 18 to 25 range.

Manley: Where that would come into play is for a residential function. You aren't doing commercial. You aren't doing office. You couldn't go above 14 feet.

Westlund: The 14 really only applies to residential on the ground floor. If it's ground floor commercial, then the 14 doesn't apply, and you can go up to 25.

Manley: You can do commercial also. The commercial just has to be 11 feet.

Steigleder: If you have a 17-foot first story, you would have to have a second story?

Manley: Correct. How this really comes into play is like an aquatic center in your downtown. An aquatic center you're probably not going to want to build a mezzanine, but you may want a tall roof. You aren't going to build a second story to an aquatic center. You may want to count that as two stories to be consistent with SmartCode. Section 5 and 6 changes were reviewed. The new wording in 5 allows for measuring from the top plate to the finished floor, which is clearer. The new wording in 6 deals with parapets.

Testimony

In Favor: None

Neutral: None

Opposed: None

Public Hearing Closed at 6:18 pm

Ziegler: I like it. Especially in the portion of defining top plate to finish ceiling, especially in commercial buildings, you can have a false ceiling if it's an acoustic ceiling or anything that would change that pretty significantly.

Walker: That's exactly it. Finishing can be a whole lot of different things. If you are going top plate it makes it very clear.

Motion by City Council Ziegler to Approve the Title 18 and 18A Housekeeping Ordinance TA-24-1 and bring an ordinance with the improvements.

Second by City Council Walker.

Ayes: City Council Walker, City Council Ziegler, City Council Shove, City Council Steigleder, City Council Westlund

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. Legion Park Annexation Ordinance (ANNX-23-7)

Motion by City Council Ziegler place the Ordinance Legion Park Annexation (ANNX-23-7) on its first and only reading by title only while under suspension of the rules.

Second by City Council Walker.

Ayes: City Council Walker, City Council Ziegler, City Council Shove, City Council Steigleder, City Council Westlund

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 1.214 ACRES, A PARCEL OF LAND BEING A PORTION OF EXISTING RIGHTS-OF-WAY AND A

PORTION OF TRACT 4, BLOCK 35, POST FALLS IRRIGATED TRACTS ACCORDING TO THE PLAT RECORDED IN BOOK "C" OF PLATS AT PAGE 78, RECORDS OF KOOTENAI COUNTY LOCATED IN THE NW 1/4 NE 1/4 OF SECTION 35, 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 City Council Ziegler to approve the Ordinance Legion Park Annexation (ANNX-23-7) and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by City Council Walker.

Ayes: City Council Walker, City Council Ziegler, City Council Shove, City Council Steigleder, City Council Westlund

Motion Carried

- b. Tiny Home Performance Standards Ordinance (TA-23-2)

This item was removed under amendments to the agenda.

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 citizen 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. Utilities Consumer Confidence Report

Craig Borrenpohl, Utilities Manager Presenting: I'm speaking to you tonight about our Drinking Water Consumer Confidence Report. We are required to send this report to customers by July 1st. We put it in the bills that come out in June in order to meet that deadline. The purpose of the report is to provide information regarding the local water quality for the local customers who are consuming that water. There are several water districts within Post Falls: Post Falls, East Greenacres, Ross Point, and other smaller systems. You may search for your water provider via

the online "Find My Water Provider" page. Our 2023 report covers the sampling of that year. Some constituents have waivers where we don't have to sample them every single year. For the calendar year 2023, all samples were absent for total coliform (an indicator bacteria that we do not want in our water system). Those are usually the first hint that there may be a problem. All samples were non-detect for PFAS and other Synthetic Organic Contaminants. Again, highlighting the highly reliable, high quality water source we have from the Rathdrum Prairie Aquifer, where we pull all of our potable water from. The actual report that was sent out was shown. We are available for questions from our consumers.

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.

Jacobson: 4th of July is fast approaching. I know fireworks are part of the 4th of July celebration. I ask everyone to be cognizant of those that are bothered by fireworks. For those that call our Police Department, I ask that you understand that they can not go out and arrest everyone who is shooting off illegal fireworks. They will respond to as many calls as they can, but they aren't going to get to everyone. Be responsible.

Westlund: I would like to talk about allowing for neighborhood compatible limited commercial uses in residential zones. In particular, I'm thinking about properties with frontage along arterials or major collectors like Idaho or Spokane. The comprehensive plan talks about having provisions for graduating to commercial uses along arterial and collector streets. We have that in the plan already. Recognizing that need to transition from residential to commercial as the streets grow. We can do that as a formal rezoning, but I would like to consider adding commercial use as a special use permit in a R-1 zone. So, they don't have to go through the whole rezoning process. I know in city code we have a home occupation code which allows for commercial use if it's kind of ancillary to the primary residential use. This I see as the other way around. It would be a primarily commercial use, but we try to encourage re-purposing the building and not changing the area too much, but still allowing small business owners to do this. So if you guys are ok having staff look into this, I'd like to have them present some options to us.

Herrington: It is certainly something we could do. We would need to amend that zoning code to specify what businesses are allowed and go through that ordinance drafting process. The comprehensive plan could support those already. We could possibly fit that into our current criteria for SUPs. We would need to amend the purpose statements for those codes. It would take staff time in moving that forward.

Jacobson: If the Council asks to do it, I would ask that you specifically focus on appropriate neighborhoods.

Herrington: We would have to carefully draft those ordinances.

Steigleder: I would be in support of that. I think it is worth looking into with the specification that we stay on major collectors or arterials which will limit the locations and the neighborhoods that its put into.

Ziegler: If it's approved in the Ordinance, it goes to a Special Use Permit. Is that granting authority to the Planning and Zoning Commission for that, or would it come to us?

Herrington: Special Use Permits do go through the Planning and Zoning Commission for a decision. That decision can be appealed to the Council.

Walker: We may want to look at it as long as we specify what businesses can go in there and monitor that the best we can.

Shove: I agree.

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) (c) To acquire an interest in real property not owned by a public agency.

Motion by City Council Ziegler to enter into Executive Session pursuant to Idaho Code 74-206 (1) (c) To acquire an interest in real property not owned by a public agency, further that no action will be taken during the session and that the session will last approximately 10 minutes.

Second by City Council Walker.

Ayes: City Council Walker, City Council Ziegler, City Council Shove, City Council Steigleder, City Council Westlund
Motion Carried

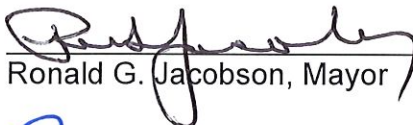
Executive Session entered at 6:32 pm

Executive Session exited at 6:41 pm

RETURN TO REGULAR SESSION

ADJOURNMENT

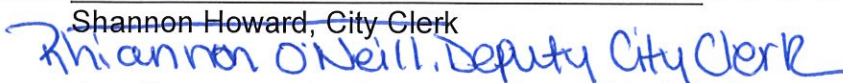
Adjourned at 6:42 pm



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.

