



**CITY COUNCIL
MEETING MINUTES**

**November 5, 2024
6:00 PM**

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

5:30 PM Workshop

- a. Chris Schreiber - Nominee for Planning and Zoning Commission

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

Nominee for the Planning and Zoning Commission, Chris Schreiber, was present to meet and discuss his professional background and answer questions with Council before the vote to appoint him.

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

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

Josh Walker - **Present Via Teams (left the meeting before the Public Hearing began)**

1. CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

ACTION ITEMS:

Jacobson: The community is welcome to join us at the Housing Needs Open House this Thursday, November 7th, from 6-8 pm at City Hall. It is election day. If you haven't voted, please go vote. City Hall and City Services will be closed on Monday, November 11th in observance of Veterans Day.

Todd Kiesbuy and David Howell with Avista presented on the crane accident at the dam and the status of the dam renovation project.

- a. Appointment of Chris Schreiber to the Planning and Zoning Commission

Motion by City Council Malloy to Approve the Appointment of Chris Schreiber to the Planning and Zoning Commission.

Second by City Council Ziegler.

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

Motion Carried

- b. Acceptance Of Councilor Shove's Resignation and Declaration of Vacancy in Council Seat #6

Motion by City Council Malloy to Approve the Acceptance Of Councilor Shove's Resignation and Declaration of Vacancy in Council Seat #6.

Second by City Council Ziegler.

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

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

2. 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 15th, 2024, City Council Meeting
- b. Approval of Accounts Payable through November 5, 2024, and Hand Check Accountability Report for October 7-25, 2024.
- c. Approval of the Annual Kootenai County Public Transportation Payment
- d. Wastewater Capacity Replacement Fee Agreement for 3200 N. Spokane Street
- e. Approval of the Fair Estates Final Subdivision Plat
- f. Approval of the Quail View Twin Homes Final Plat

Steigleder: On item f, those twin homes only share one wall, correct?
Jon Manley, Planning Manager: Correct.

Westlund: On item d, is this a typical thing that happens when we reassess a cap fee?

Shelly Enderud, City Administrator: It's not typical. We have some industry standards that we use, and most of the time those numbers are fairly correct. Occasionally, we have someone that is either under or over. We would reassess and then have an additional payment or a refund depending on the situation. It may be an industry that we don't have a standard for. In this case, it was a golf course, restaurant, and hotel together, so it was different from most we deal with. We are going to reevaluate how we set the standards for the initial cap fees that are paid.

Motion by Malloy to accept the Consent Calendar as presented.

Second by Westlund.

Ayes: City Council Malloy, City Council Ziegler, City Council Steigleder, City Council Westlund

Motion Carried

3. 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. North Place Subdivision - File No. APL-24-1

Public Hearing Opened at 6:17 PM

Jon Manley, Planning Manager, and Rob Palus, City Engineer, Presenting: This is a request of Kevin Schneidmiller, on behalf of Schneidmiller Brothers Inc, to subdivide 238.52 acres into 1125 lots within the Residential Mixed (RM) zoning district in multiple phases consistent with the RM Zone Change Development Agreement. The Planning and Zoning Commission approved the subdivision on August 13, 2024. The approval was appealed and per city code we are here to conduct a new hearing. The project location is on the southeast corner of Prairie and Idaho Street. The water providers would be City of Post Falls and Ross Point Water District. The wastewater provider would be the City of Post Falls. The proposed subdivision plan is a mix of lot sizing. Alignment with review criteria was reviewed.

Steigleder: Can you explain how Penrose is a major collector and Syringa is a minor collector?

Palus: When we get to build-out of this subdivision our anticipation is that it will be on the very low end on the major collector for Penrose.

Steigleder: The two-story multifamily restriction still stands?

Manley: Correct.

Applicant Kevin Schneidmiller: We are requesting to subdivide 238.5 acres, generally located north of the Fieldstone subdivision. Work began on the North Place Development in 2015. At that time, it was requested under the R1 Zoning. In 2021, a request to rezone 238 acres to Residential Mixed (RM) was brought to Council and approved. This request was made at this time based on

the fact that the City of Post Falls did not have a residential mixed use zone when the first two subdivisions were proposed. At the time of the zone change, we agreed to cap the number of units at 1400 and that the multifamily was restricted to 2 stories, even though that's not a requirement of the RM zones. For the zone, we are required to set aside 7% of the space for open space. We are above that for this subdivision at 8.75%. North of Penrose, east of Idaho Street, we are currently proposing to do a 55 plus age restricted project there. The site adjacent to Prairie Avenue is where we have entered into a Memorandum of Understanding with the School District. They have five years to make a decision on whether they want to build a school on that site. Renderings of the different proposed buildings and housing products were shown.

Testimony

In Favor: None

Neutral: None

Opposed:

Claudia Collins, Post Falls, not wishing to speak.

Logan Storm, Post Falls, not wishing to speak.

Daniel Kendzierski, Post Falls, not wishing to speak.

Ronda Dudley, Post Falls, not wishing to speak.

Heather Holm, Post Falls, not wishing to speak.

Donald Barker Jr, Post Falls, not wishing to speak.

Christine Malm, Post Falls, not wishing to speak.

Nick Vendetti, Post Falls, not wishing to speak.

Ashley Horst, Post Falls, not wishing to speak.

Keith Plass, Post Falls, not wishing to speak.

Jennifer Knutzen, Post Falls, not wishing to speak.

Tiffany Goodwin, Post Falls, not wishing to speak.

Julie Hensley, Post Falls: Concerned about traffic on Syringa and overcrowding of schools.

Susan Vendetti, Post Falls: Concerned about multifamily housing and traffic.

Kyle Storm, Post Falls: Concerned about the 55-plus planned community and the traffic.

Holly Hatcher, Post Falls: Concerned about the growth the new subdivision would bring.

Jill Storm, Post Falls: Concerned about the multifamily housing in the area.

Catherine Zimmerman, Post Falls: Concerned about the growth the subdivision would bring.

Brett Collins, Post Falls: Opposes the subdivision.

Rebuttal

Schneidmiller: I would stand for any questions.

Steigleder: Is there a way that we can be assured that the area off of Penrose and Idaho will be 55 plus restricted?

Schneidmiller: We have to make sure we can go through the legal process to get adopted. I'm not willing to put a condition on it.

Westlund: What year was the property annexed into the city?

Schneidmiller: 2004 or 2005.

Westlund: What is the procedure for providing notice for public hearings?

Manley: It is a 300-foot radius that is verified through a title company.

Westlund: Is there a sign posted too?

Manley: Yes, it is ten or eleven days prior to the hearing. We get an affidavit of posting of that.

Westlund: Mr. Palus can you further talk about the concerns with Syringa and traffic?

Palus: Our modeling based on this land use shows that with the Penrose, Killdeer, and Syringa connections, Syringa would not get above 3000 vehicle trips per day.

Malloy: For clarification, this is just an appeal of the subdivision.

Field Herrington, City Attorney: Correct, it is not an appeal of the annexation nor the zone change.

Steigleder: We can either approve the subdivision as presented, or if we deny it what happens next?

Herrington: We would come back with a written decision on the denial and then any party could request reconsideration, then they can seek judicial review. Any denial would have to be based on the subdivision criteria.

Public Hearing Closed at 7:55 PM

Review Criteria were Discussed

1. Yes, it has been established and served by two purveyors.
2. Yes, staff said it can.
3. Yes, the City Engineer indicated they can and they are within capacity. Steigleder disagreed.
4. There were no hazards identified.
5. Correct, everything that is being proposed is allowed in the proposed zone and the development agreement is in alignment.
6. This is true, especially with the MOU that has been signed with the School District. Along with the expansion of traffic controls. Steigleder disagreed with this, saying that impact fees don't totally provide for all impacts to the community from a development this large.

Westlund: We are operating in a narrow context here and are acting kind of in the role of a judge. The criteria are set up to ensure we are dealing with everyone's property rights in a fair way. Most of the decisions are made at the time of zoning and the development agreement. If there's a violation of individual property rights, we can be sued under Idaho code title 67 chapter 80.

Malloy: At the public hearing for the zone change in 2021, there was plenty of public comment, and I voted against it. I was on the losing end of that vote. Now we are in the position of having to uphold what was passed by that Council and look at the subdivision only.

Motion by City Council Malloy to deny the appeal and affirm the Planning and Zoning Commission decision for the North Place Subdivision - File No. APL-24-1.

Second by City Council Westlund.

Ayes: City Council Malloy, City Council Ziegler, City Council Steigleder, City Council Westlund

Motion Carried

4. 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. Approval of Black Bay Boardwalk Revisions

Robbie Quinn, Parks Planner Presenting: After the StanCraft test piles were done in January 2024, we needed to modify the framework of the boardwalk to make it viable for construction. We

modified the design to add piles which would give more cross-beams and more flexibility in where the piles can be driven. This revised design includes removing the floating boardwalk, reducing the boardwalk size, and removing from shore piles. The total request is to add \$95,076 to the contract with BigSky tonight for the boardwalk changes. That will be paid out of Park Impact Fees. The plan is to start construction in early 2025.

**Motion by City Council Steigleder to Approve the Black Bay Boardwalk Revisions.
Second by City Council Malloy.**

Ayes: City Council Malloy, City Council Ziegler, City Council Steigleder, City Council Westlund

Motion Carried

b. Alcoholic Beverage Fees Discussion

Shelly Enderud, City Administrator Presenting: Questions that Council members had related to previous discussions about the alcoholic beverage fees were answered and discussed.

Steigleder: Are we required by the state to run the full background check?

Police Chief Greg McClean: It is in our best interest to do that because we find that there are issues that were missed by the State or County side that we catch during our city process.

Ziegler: I would advocate reducing that license fee as low as possible, just to cover our cost.

Steigleder: I would advocate reducing it to \$250.

Westlund: I'm hesitant to reduce this given that we had to take foregone to make our budget work this year. It doesn't seem like the greatest time to be cutting license fees. My own take is that it is ridiculous that a business has to go through three different licensing processes to get their liquor license. That requires state level reform. Until that happens, I don't see that we need to take any action.

Malloy: I'm inclined to renew the fees as they are for next year. I would like to lobby the state to have a unified system. I would like to see more data on how often we find things in the background checks. A possible side effect is if we cut our fees down to nothing and none of the surrounding cities do, then everyone will want to get a license in Post Falls.

Jacobson: I disagree, I don't think that the amount the city charges is that much of a burden to businesses.

Motion by City Council Malloy to Approve the Alcoholic Beverage Fees as presented tonight and to continue having a discussion on these fees either quarterly or every six months.

Second by City Council Westlund.

Ayes: City Council Malloy, City Council Ziegler, City Council Westlund

Nays: City Council Steigleder

Motion Carried

c. Water Reclamation Facility Tertiary Treatment Project – Contract Adjustment for Heat Trace Installation

Andrew Arbini Projects Division Manager Presenting: This is a contract increase of \$74,017.90 to add heat trace to the Water Reclamation Facility Tertiary Treatment Project. The additional cost would be paid for through the Water Reclamation Facility budget. The additional heat trace is required to protect outdoor chemicals, equipment, and roof drains that are susceptible to freezing. This includes additional wiring, electrical components, etc. to get electricity to the heat trace. Overall project updates on the project were also presented.

Westlund: The change order was signed on April 10th. Why are we talking about it now?

Arbini: This issue was identified over a year ago. There was a fair amount of conversation that took place between the contractor and the subcontractor determining whose scope that was in. It was not fully included in the design. It took time to develop that change order and in April we agreed on the price. The change order stayed with the contractor from April until two weeks ago. The contractor elected to do the work between then and now, so this is the formalization of the paperwork surrounding that.

Steigleder: How much is left in the contingency if we approve this?

Arbini: It's about \$300,000.

Motion by City Council Malloy to Approve the Water Reclamation Facility Tertiary Treatment Project Contract Adjustment for Heat Trace Installation.

Second by City Council Ziegler.

Ayes: City Council Malloy, City Council Ziegler, City Council Steigleder, City Council Westlund

Motion Carried

- d. Vacation Ordinance for a Portion of Right-of-Way at 17th Avenue & Catherine Street
VAC-24-1

Field Herrington, City Attorney: I would like to request this item be continued to another meeting as there's some language that still needs to be worked out.

Motion by City Council Malloy to Table the Vacation Ordinance.

Second by City Council Ziegler.

Ayes: City Council Malloy, City Council Ziegler, City Council Steigleder, City Council Westlund

Motion Carried

5. 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. Process to Fill Council Seat #6 Vacancy

Warren Wilson, Deputy City Attorney Presenting: Seat #6 was vacated on November 1st. Idaho Code provides that the Mayor nominates a replacement councilor. We are proposing a process that includes posting a notice and application process online. We will accept applications from November 6 through November 18. Once the deadline passes, the Mayor will select up to three finalists. The Mayor will interview those and then make a formal nomination to Council. The confirmation vote will likely be at a special call meeting. The goal is to have a new councilor seated by the first meeting in January.

Motion by City Council Malloy to Approve the Process to Fill Council Seat #6 Vacancy.

Second by City Council Steigleder.

Ayes: City Council Malloy, City Council Ziegler, City Council Steigleder, City Council Westlund

Motion Carried

6. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for the public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight's meeting, if time permits. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring Council action must be placed on the agenda of an upcoming Council meeting. As such, the City Council can't take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

Bob Flowers, Post Falls: Concerned about CityLink not charging fees for riders and the cities subsidizing the business plan of CityLink without a revenue source.

Jacobson: I agree, and I asked that question several years ago.

Westlund: I know we are going to have discussions in the near future about what the cities' roles are in the system.

7. ADMINISTRATIVE / STAFF REPORTS

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

None

8. 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: On the 7th we have a planning session and I won't be there, but I am meeting with them in the morning.

Steigleder: That is open to the public. The Housing Needs Assessment at 6pm in this room. Please come to that.

Westlund: I think it would be a really cool thing to have a City Employee Christmas Party and host it as a Council. For next year.

Steigleder: I wanted to say thank you, Mr. Beacham, and your team for Spokane Street, it's beautiful.

9. EXECUTIVE SESSION

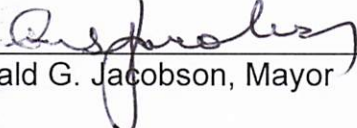
Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session.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

ACTION ITEMS:

RETURN TO REGULAR SESSION

ADJOURNMENT

Meeting Adjourned at 9:00 pm.



Ronald G. Jacobson, Mayor



Rhiannon 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.