



**CITY COUNCIL
MEETING MINUTES**

**February 4, 2025
6:00 PM**

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

WORKSHOP – 5:00 pm 2nd Floor Conference Room

- a. Water Reclamation Facility, Tertiary Treatment Project Update

Samantha Steigleder, Aaron Plew, Joe Malloy, Nathan Ziegler, Randy Westlund, Ryan Davis – **Present**
Mayor Ronald Jacobson – **Excused**

Public Works Director John Beacham presented an update on the Water Reclamation Facility Tertiary Project. The history of the project back to 2004 was reviewed. Phase one was completed in 2016. Phase two is the present phase and includes tertiary treatment, which is the chemical treatment phase. By the end of this year, the upgrades will be complete, and the new permit limits will be in effect.

REGULAR MEETING – 6:00 pm City Council Chambers

The regular agenda is scheduled to start at 6:00 PM, but may start earlier depending on the completion of any preceding workshop.

CALL TO ORDER BY COUNCIL PRESIDENT MALLOY

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Samantha Steigleder, Joe Malloy, Nathan Ziegler, Randy Westlund, Ryan Davis

Samantha Steigleder, Aaron Plew, Joe Malloy, Nathan Ziegler, Randy Westlund, Ryan Davis – **Present**
Mayor Ronald Jacobson – **Excused**

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

Council President Malloy: I would like to recognize the work of River City Middle School's Titan Leadership Team who assembled care packages for cancer patients at Cancer Care Northwest. City Hall and city business offices will be closed Monday, February 17th, in observance of President's Day.

- a. Reappointment of Ray Kimball, Chris Schreiber, and Bobbie Wilhelm to the Planning and Zoning Commission

Steigleder: I was hoping to be able to ask them a few questions before I voted.

Malloy: Since these are not my appointments, will the P&Z be able to continue to operate if we table this since the Mayor is not here?

Shelly Enderud, City Administrator: Yes, they are appointed until March 1st.

Motion by City Council Malloy to confirm the Mayor's reappointment of Chris Schreiber to the Planning and Zoning Commission.

Second by City Council Steigleder.

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

Motion Carried

Motion by City Council Malloy to table the confirmation of the reappointment of Ray Kimball and Bobbie Wilhelm to the next meeting.

Second by City Council Ziegler.

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

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.

Item 2a, Gabrio Estates Duplexes Zone Change File No ZC24-2 needs to be moved to March 4th due to the applicant being ill and unable to attend tonight's meeting.

Motion by City Council Westlund to continue Item 2a, Gabrio Estates Zone Change to the March 4th council meeting.

Second by City Council Davis.

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

Motion Carried

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.

Councilor Steigleder requested to remove item f from the consent calendar due to a conflict.

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 – January 7th, 2025, City Council Meeting

- b. Minutes - January 16th, 2025, Special Council Meeting
- c. Payables 01/08/25 - 02/05/25
- d. November Cash and Investments Report
- e. Westfork Townhomes Master Development Agreement File No. SUBD-24-6
- f. Mountain View Bible Church Annexation Agreement File No. ANN-23-6

Motion by City Council Malloy to accept item F separate from the Consent Calendar due to a conflict.

Second by City Council Ziegler.

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

Abstain: Steigleder

Motion Carried

- g. Foxtail 11th Addition Construction Improvement Agreement
- h. Legion Park Subdivision Final Plat
- i. North Place East 2nd Addition Final Plat
- j. Contract Renewal with Sylint, LLC

Motion by City Council Ziegler to accept the Consent Calendar as absent item f.

Second by City Council Westlund.

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

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. Gabrio Estates Duplexes Zone Change File No. ZC-24-2

This item was removed from the agenda due to the applicant being ill.

- b. Killdeer Annexation File No. ANN-24-4

Public Hearing Opened at 6:07 pm

Planner Anna Staal presenting: The property owners are Northern Lights Development and the applicant is Lake City Engineering. Their request is to annex approximately 4.89 acres into the city with a zoning recommendation of Single-Family Residential (R1). The project is located south of Killdeer between Greensferry and Cecil. The surrounding zoning within the city is single-family residential. Properties to the east and south are in the county and are large lot residences. Zoning criteria alignment was reviewed. The future land use designation is low density residential. The focus area is 41 North. Development of this area would improve Killdeer and increase connectivity for all the subdivisions in the area as well as the future park area. This can be considered an infill development and an underused property.

Drew Dittman of Lake City Engineering presented for the applicant: This is considered an infill piece of property. Annexation and zoning approval criteria were reviewed. It is in conformance with the comprehensive plan. All the agencies have been notified, and all either had no comment or remain neutral.

Steigleder: Are you currently on the P&Z schedule for a Special Use Permit for this property?

Dittman: No

Ziegler: Do you have a preliminary plat for the property? I'm curious about the access road that is on the west side of the adjacent property.

Dittman: We have submitted a preliminary plat that went through P&Z. Yes, that street will continue as well as that street on the south that goes east west.

Testimony

In Favor:

Jim Sibley, Post Falls - Not wishing to Speak

Bob & Bobbie Dugan, Post Falls - Letter requesting the preservation of the tree line along their shared boundary.

Matthew & Lauren Burton, Post Falls - Letter requesting the preservation of the existing tree line.

Con Brady, Post Falls - My property abuts the project property. Our group supports the annexation and development plan. We request you add the language about the trees, but we are open to what you think accommodates the area. Pictures of the tree line were shown.

Neutral:

Jim Rough, Post Falls - Letter requesting the tree line be preserved.

Opposed:

None

Rebuttal by Drew Dittman: We have been working with the neighbors, and it has been nice to work with them. This was an old tree farm, many of the trees were not viable. We have had the urban forester out and have agreed to work with the neighbors.

Steigleder: I feel like a development agreement is our only tool to ensure the trees are saved. Would you be willing to put something in the CCRs?

Dittman: We are willing to put something in the CCRs. We don't control what happens after the homes are sold, obviously.

Ziegler: I would support something in the CCRs. That way we aren't involved in that process.

Public Hearing Closed at 6:30 pm.

Review Criteria Questions were asked and discussed:

1. It is, it prevents sprawl, it's a county pocket.
2. Yes, it specifies low density residential.
3. Maintains and embraces transportation network, infill development.
4. No objections were raised.

Motion by City Council Steigleder to Approve the Killdeer Annexation File No. ANNX-24-4 and have staff prepare the final ordinance for annexation.

Second by City Council Westlund.

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

Motion Carried

Motion by City Council Ziegler to Approve the zoning designation of Single Family R-1 for the Killdeer Annexation File No. ANNX-24-4 and finding that the zoning meets the approval criteria and the Post Falls Municipal Code as outlined in our deliberation and direct staff to prepare a reasoned decision.

Second by City Council Westlund.

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

Motion Carried

- c. Ordinance on Police Access in Exigent Circumstances

Hearing Opened at 6:34 pm

Police Chief Greg McLean presenting: One of the reasons we are bringing this ordinance to council is in response to a call the police department responded to. The location of the call that officers responded to was an apartment building that had a locked common area. The lock prevented the police department from accessing the apartment building and immediately responding to the call. The Police Department has seen an increase in developments with common areas with key access only. This draft ordinance would require developers to add a way to access these spaces for police in emergency situations. Pictures and examples of these types of spaces were shown.

Westlund: The Fire Department already has a way to access these common areas?

McLean: Yes, under the fire code, but theirs is a universal key to a lock box, and if lost all the lock boxes would need to be replaced at a high cost. So, we would want a separate way to access the buildings.

Steigleder: Would this be retroactive?

McLean: No, it's from now on.

Prosecutor Eileen McGovern: This is access for common areas only, not private residences or spaces. This is a right that already exists for law enforcement, both in federal and state law. The ordinance does not create a new legal authority for law enforcement. Any non-compliance by a developer would be a misdemeanor.

Malloy: If there's a corporate owner of a new complex in New Jersey, but there's a property management agency in Post Falls, who would get that penalty?

McGovern: It depends. Some of the previous questions asked were is it constitutional, yes it is. The legal definition of exigency was explained.

Westlund: An exigent circumstance would need to exist before the officer could enter, correct?

McGovern: Yes, they can't create an exigent circumstance.

Ziegler: Would it apply to any other commercial space that has a common space?

Deputy City Attorney Chris Gabbert: We are mirroring the language of the fire code. We looked at the commercial aspect, but left it broad enough that it would work for gated communities as well as an apartment type of space. There's not that many commercial spaces that would apply to it. We left it broad enough so that it is on the development side, so when the permits come in we can work with the Chief to find a tailored solution.

Testimony:
None

Public Hearing Closed at 7:00 pm

Malloy: I would like to see efforts made to reach out to existing facilities that may have these common areas to voluntarily offer this access too.

Motion by City Council Steigleder to Approve the Ordinance on Police Access in Exigent Circumstances.

Second by City Council Davis.

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

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. Ordinance Prohibiting Disruption or Obstruction of City Government Operations and Offices

Police Chief Greg McLean Presenting: This is a draft ordinance that was brought to council previously. We are bringing it back tonight with some of the changes that were requested. This gives certain protections to our civilian employees of the city. Examples were given of when city employees had been threatened when carrying out their city duties. We are asking for this because there has been an increase in these instances and what is happening does not always rise to the level of a crime. If it does rise to the level of a crime, it can be uncomfortable for the employee to report it.

Malloy: City staff are put in a unique situation where they could encounter the same person over and over again in the commission of their duties.

Steigleder: Wouldn't city staff still have to report this like a criminal complaint?

Malloy: The difference is the city would be pursuing the charges, not the individual, like with a citizen's arrest.

Prosecutor Eileen McGovern: Questions council had from the previous meeting that this draft ordinance was heard were answered. It was explained that the language of the ordinance is not too broad or unconstitutional. It does not restrict free speech.

City Attorney Field Herrington: Language was added to allay the concerns from the last meeting when the draft ordinance was presented.

McGovern: All of these laws are subject to a reasonableness standard, context, and common sense principles inherent in Idaho law. We have a number of state codes and ordinances that apply to personnel engaged in public service already; law enforcement, health care workers, and teachers. So, this ordinance is similar in that it protects city employees, it is kind of a Goldie Locks type of ordinance intended to protect the city employees.

Malloy: If someone is acting in a way that prevents a city agent from doing their duties, they are affecting the entirety of the community by delaying those duties.

Westlund: How is this different from just trespassing someone?

McGovern: Trespassing is a process that takes multiple instances, including a warning and violation.

Steigleder: It's not life-saving that the snow be removed - when we are talking about protections against health care workers, that's because you can't deny the person care.

McGovern: Plowing the street is time-consuming, it is something that you have to do to ensure the safety of residents and to allow for transportation. The contemplation is that it is similar in that the community has entrusted the city with specific duties. That those duties are vital to the administration of our community.

Plew: From the examples the Chief gave, if someone calls and leaves a nasty voicemail that's not threatening, would they be charged under this ordinance?

McGovern: No

Ziegler: We are talking about essential services that the customer has no alternative but to address that one agency. Whereas in most cases, the owner of a business could choose to end interactions with that customer.

Motion by City Council Ziegler to Approve the Ordinance Prohibiting Disruption or Obstruction of City Government Operations and Offices.

Second by City Council Davis.

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

Nays: City Council Steigleder

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:

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.

Kim Brown, Post Falls: I'm here representing the Historical Society, I want to explain the America 250 program. The Historical Society will have an event at the Post Falls Library on March 15th, at 2pm, where a descendant of George Washington will be talking about their personal history. We are also collecting oral video histories. I've left a packet for council and how they can be involved in this event.

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.

Prosecutor Eileen McGovern presented about the city's criminal case with Chadlyn Smith that was recently in the local news. She reviewed the case and the court ruling that followed.

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.

8. EXECUTIVE SESSION

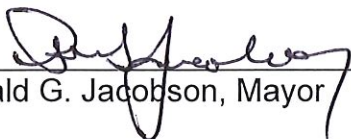
Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session.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

ACTION ITEMS:

RETURN TO REGULAR SESSION

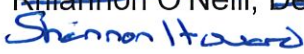
ADJOURNMENT

Adjournment time was 7:58 pm.



Ronald G. Jacobson, Mayor



Rhannon 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 N. 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, Aaron Plew, Joe Malloy, Nathan Ziegler, Randy Westlund, Ryan Davis

Mission
Building Community.

