



**CITY COUNCIL
MEETING MINUTES**

**September 5, 2023
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

- a. Tiny Homes

ROLL CALL

Thoreson, Walker, Malloy, Ziegler, Borders, Shove - All Present

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
All Present**

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 – August 15, 2023, City Council Meeting

- b. Minutes - August 17th, 2023 City Council Meeting
- c. Payables August 8, 2023 - August 28, 2023
- d. Cemetery Fence Construction
- e. Purchase of Ice Slicer by the Streets Department
- f. Haycrop Commercial Park Subdivision Master Development Agreement File No. SUBD-23-2
- g. Millsap Landings Subdivision Master Development Agreement File No. SUB-22-16
- h. Request to Dispose of Damaged or Worn Asset Items by the Parks and Recreation Division
- i. Request to Dispose of Electronic Gate System by the Street Division
- j. June Cash and Investments
- k. Quailview Townhomes Master Development Agreement File No. SUBD 22-15
- l. Agreement to Provide 911 and Dispatch Services to the City of Rathdrum
- m. Mutual aid agreement between the Rathdrum Police Department and the Post Falls Police Department
- n. Right-of-Way Dedication for McReynolds Drive
- o. Deputy City Administrator Employment Contract
- p. Legal Services Director Employment Contract

Motion by Borders to approve the Consent Calendar as presented.

Second by Malloy.

Vote: Shove-Aye, Borders-Aye, Thoreson-Aye, Walker-Aye, Malloy-Aye, Ziegler-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. FY 2024 Property Tax Reserve to Foregone

Public Hearing started at 6:03 pm.

Staff Report

Jason Faulkner, Finance Director: The amount I am proposing be rolled over into the foregone is \$116,497.

Testimony

In Favor - None

Neutral - None

In Opposition - None

Public Hearing Closed at 6:04 pm.

Motion by Malloy to approve the FY 2024 Property Tax Reserve to Foregone.

Second by Ziegler.

Vote: Borders-Aye, Thoreson-Aye, Walker-Aye, Malloy-Aye, Ziegler-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. Resolution - Fiscal Year 2024 Fee Resolution

WHEREAS, the City of Post Falls annually reviews all fees during the budget process to ensure accuracy; and

WHEREAS, periodic revisions to fees may be necessary; and

WHEREAS, the City has fees already established; and

WHEREAS, the City of Post Falls has determined that the fee schedule be amended to reflect the reasonable cost of providing the services; and

WHEREAS, after public hearing has been held prior to the adoption of this resolution, regarding new and increased city fees, it is deemed by the City Council to be in the best interest of the City of Post Falls and the citizens thereof that the fee schedule be amended to include the new and increased fees which were addressed in the public hearing.

NOW, THEREFORE, Be It Resolved by the Mayor and City Council of the City of Post Falls, Idaho that the following fee schedule, which reflect the new and amended fees and all other fees that have not been amended, be adopted for the City of Post Falls.

Motion by Thoreson to approve Resolution Fiscal Year 2024 Fee Resolution and to direct the clerk to assign the appropriate number.

Second by Malloy.

Vote: Walker-Aye, Malloy-Aye, Ziegler-Aye, Borders-Aye, Shove-Aye, Thoreson-Aye

Motion Carried

b. Resolution - FY 2024 Reserve Foregone Property Taxes

WHEREAS, Idaho Code 50-235 empowers the city council of each city to levy taxes for general revenue purposes; and

WHEREAS, Idaho Code 50-1002 requires the city council of each city in the State of Idaho to pass a budget, referred to as an annual appropriation ordinance; and,

WHEREAS, Idaho Code 63-802 sets limitations on all taxing district budget requests on the amount of property tax revenues that can be used to fund programs and services; and

WHEREAS, Idaho Code 63-802(1)(a) allows each taxing entity to increase property tax budget amounts by a maximum of 3% plus an amount calculated based on the value of both new construction and annexation added during the previous calendar year, plus an amount for forgone taxes; and,

WHEREAS, Idaho Code 63-802(1)(f) requires that the City adopt an annual resolution to reserve additional forgone amount in order to utilize that amount in subsequent years; and,

WHEREAS, the City has met the notice and hearing requirements in Idaho Code 63-802(1)(f) to reserve the current year's increase in the forgone amount; and

WHEREAS, the City intends to reserve \$116,497 of its current year's increase in allowable forgone amount.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF POST FALLS, IDAHO, that \$116,497 of the current year's allowable increase in its foregone amount is reserved and included in the City's total forgone balance for potential use in subsequent years.

Motion by Thoreson to approve Resolution FY 2024 Reserve Foregone Property Taxes and to direct the clerk to assign the appropriate number.

Second by Malloy.

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

c. Resolution - Parkway Fire Disaster Declaration

WHEREAS, a large scale fire, known as the Parkway Fire, burned approximately eighty acres of publicly owned property within the city limits of Post Falls; and

WHEREAS, the Parkway Fire caused widespread and severe damage to public amenities and natural resources owned by the City of Post Falls and enjoyed by residents of the entire region; and

WHEREAS, recovery and restoration of public properties from the Parkway Fire are ongoing and will likely continue for years; and

WHEREAS, the cost of these recovery and restoration efforts are currently unknown but will likely exceed the financial and other resources of the City of Post Falls that are available to pursue such recovery efforts; and

WHEREAS, I.C. 46-1002(2) defines disasters as the "occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to, fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism".

WHEREAS, the Parkway Fire meets the definition of a disaster; and

WHEREAS, I.C. 46-1011(1) authorizes the Mayor to issue a local disaster emergency declaration within the limits of the City of Post Falls, which is effective for seven days unless ratified by the Post Falls City Council; and

WHEREAS, the effect of a local disaster emergency declaration effort is to activate the response and recovery aspects of applicable intergovernmental disaster emergency plans and to authorize

the furnishing of aid and assistance; and .

WHEREAS, on August 10, 2023 the Kootenai County Board of Commissioners approved Resolution 2023-68 issuing a Disaster Emergency Declaration for the Parkway Fire; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Resolution.

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

Section 1. Local Disaster Emergency Declared.

Mayor Ron G. Jacobson hereby declares that the Parkway Fire constituted a disaster and declares that a local disaster emergency exists within the City of Post Falls. All city departments are directed as follows:

1. To take all reasonable and necessary steps to determine the causes and extent of damage caused by the Parkway Fire.
 2. To secure, and close, for as long as necessary, all properties impacted by the Parkway Fire to protect the public from injury and to reopen such properties when safe to do so.
 3. To prepare plans and conduct all necessary work to recover from the Parkway Fire and to render damaged public property safe for public access.
 4. To seek financial and other assistance available under applicable intergovernmental disaster emergency plans, and all other sources, to further recovery efforts from the Parkway Fire.
- Federal, State, and other Local Authorities are also requested to provide any available assistance to aid in the recovery efforts from the Parkway Fire.

Section 2. Ratification by City Council.

By approving this Resolution, the Post Falls City Council ratifies the local emergency declaration issued herein by Mayor Jacobson.

Section 3. Effective Date and Continuation of Emergency Declaration. This Resolution, passed by a majority of the Post Falls City Council, shall be in full force and affect from and after its passage and approval according to law. The local disaster emergency declaration issued by this Resolution will continue for one year from the effective date of this Resolution, unless earlier terminated or extended by further resolution of the City Council.

Motion by Thoreson to approve Resolution Parkway Fire Disaster Declaration and to direct the clerk to assign the appropriate number.

Second by Walker.

Vote: Malloy-Aye, Ziegler-Aye, Borders-Aye, Shove-Aye, Thoreson-Aye, Walker-Aye

Motion Carried

- d. Ordinance - Fiscal Year 2024 Budget

Motion by Thoreson to place the Ordinance Fiscal Year 2024 Budget on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

Vote: Ziegler-Aye, Borders-Aye, Shove-Aye, Thoreson-Aye, Walker-Aye, Malloy-Aye

Motion Carried

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2023, APPROPRIATING THE SUM OF \$148,455,167 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF POST FALLS FOR SAID FISCAL YEAR AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION ARE MADE.

Motion by Thoreson to approve the Ordinance Fiscal Year 2024 Budget and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

Vote: Ziegler-Aye, Borders-Aye, Shove-Aye, Thoreson-Aye, Walker-Aye, Malloy-Aye

Motion Carried

- e. Ordinance- Creating Position of Deputy City Administrator

Motion by Thoreson to place the Ordinance Creating Position of Deputy City Administrator on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

Vote: Borders-Aye, Shove-Aye, Thoreson-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING POST FALLS MUNICIPAL CODE SECTION 2.08.010 TO ADD THE POSITION OF DEPUTY CITY ADMINISTRATOR; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY 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 Creating Position of Deputy City Administrator and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

Vote: Borders-Aye, Shove-Aye, Thoreson-Aye, Walker-Aye, Malloy-Aye, Ziegler-Aye

Motion Carried

- f. Fisher Lift Station Purchase and Sale Agreement

Craig Borrenpohl, Utility Manager presenting: The 2019 Collection System Master Plan identified the need to construct a new regional Fisher Lift Station to receive future flows from the Prairie Falls II, Grayling, and future development within the lift station basin. The project was listed within the list of improvements to be completed within the first five years of the master plan. The existing Fisher Lift Station is located on a parcel too small to be used to construct the regional lift station. A larger parcel of available bare land was located in close proximity to the existing lift station. Negotiations with the property owners led to the development of the purchase and sale agreement being considered here. The proposed parcel will allow for construction of the new lift station and will account for future right of way and easement setbacks. The parcel will also provide for future expansion or replacement of the lift station, ensuring future replacement projects do not face the same need to find additional land. The agreed purchase price is \$181,000 with a contingency of \$10,000 is requested to cover any site investigation, surveying, and closing costs. The funding for this purchase will be split between the Land Acquisition and Fisher Lift Station Upgrade budget.

Motion by Malloy to approve the Fisher Lift Station Purchase and Sale Agreement.

Second by Borders.

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

- g. Headworks Influent Forcemain Feasibility Analysis – Additional Services Agreement with J-U-B Engineers

Craig Borrenpohl, Utility Manager and Andrew Arbini, Projects Manager presenting: This agreement adds an additional study element to the ongoing Water Reclamation Facility Plan Study. The additional services to be performed by JUB Engineers include the consideration of several future piping configurations from Seltice Way into the Headworks building at the Water Reclamation Facility (WRF). The analysis will focus on the collection system piping and two nearby lift stations in the Seltice Way Corridor. The evaluation will determine the best options to address long term connections to the facility. Additionally, this Agreement includes a separate task item to evaluate routing options for a future Class "A" Effluent Resuse pipeline from the WRF to the city's Prairie Reuse Property. While the 2019 Collections System Master Plan and the 12th Ave forcemain design acknowledged future piping and capacity needs at the WRF, this Feasibility Analysis provides further refinement of those assumptions and a bridge between the collections master plan and the Water Reclamation Facility master plan. A final deliverable from JUB will include recommended improvements. The timing of this analysis stems from planning discussions regarding a Streets Capital Project to rehabilitate the section of the Seltice Way pavement surface, including the section adjacent to the WRF. Collaborating for the needs of both the Streets and Wastewater Divisions will help identify and prioritize infrastructure needs and avoid redundant improvements. It is anticipated that a scope and agreement for the Seltice Way Capital Project will be presented at a future Council meeting, led by the Streets and Projects Divisions. The additional services has a value of \$29,800 and funding will come from the Water Reclamation Line Item for the Facility Plan.

Motion by Malloy to approve the Headworks Influent Forcemain feasibility Analysis - Additional Services Agreement with J-U-B Engineers.

Second by Walker.

Vote: Walker-Aye, Thoreson-Aye, Malloy-Aye, Ziegler-Aye, Borders-Aye, Shove-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:

None

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

ACTION ITEM

- The October 3rd City Council meeting has been canceled.
- The majority of the Community Forest is back open to the public after being closed due to the Parkway Fire that occurred on August 4th. It remains our top priority to keep the community safe as we reopen the forest. With that, danger still exists in the area directly affected by the fire, which will remain closed through the winter. Signage is posted onsite indicating which areas are open and which areas remain closed.

- a. **ACTION ITEM:** Appointment and Oath of Office for Deputy City Administrator

Motion by Malloy to approve the appointment of Warren Wilson to the position of Deputy City Administrator.

Second by Borders.

Vote: Ziegler-Aye, Shove-Aye, Walker-Aye, Thoreson-Aye, Malloy-Aye, Borders-Aye

Motion Carried

- b. **ACTION ITEM:** Appointment and Oath of Office for Legal Services Director - City Attorney

Motion by Malloy to approve the appointment of Field Herrington to the position of Legal Services Director.

Second by Borders.

Second by Shove-aye, Walker-Aye, Thoreson-Aye, Malloy-Aye, Borders-Aye, Ziegler-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. Development Progress

Bob Seale, Community Development Director went over different developments that are in progress of being built in the city.

- b. Completion of the WRF Outfall Replacement - Project Summary

Andrew Arbini, Projects Division Manager, gave an update of the Outfall Replacement project from start to finish. This project is now completed and closed.

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: School is back in session. Please drive slow. Let's keep all our kids safe this year.

Thoreson: I wanted to welcome my daughter to the meeting tonight.

8. EXECUTIVE SESSION

**City of Post Falls
City Council Minutes**

September 5, 2023

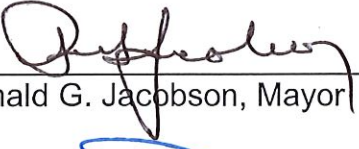
Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session.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

ACTION ITEMS:

None

ADJOURNMENT

6:48 PM



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"