



**CITY COUNCIL
MEETING AGENDA**

**July 19, 2022
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

Topic: Workforce Planning – Public Works and Community Development

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

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.

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.

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 – July 5, 2022 City Council Meeting
- b. Payables – June 28, 2022 – July 11, 2022
- c. May Cash and Investments
- d. Gabourie Consent to Annex File No ANN-22-9
- e. Mongeau Meadows Annexation Reasoned Decision File No. ANN-0003-2022
- f. Rights of Way and Easements – Cecil Road Extension
- g. School District Zone Change Reasoned Decision File No. ZC-22-4
- h. Stockwell Court Subdivision Construction Improvement Agreement

- i. Surplus of 2014 36" Grandstand Mower
- j. Surplus of 2014 Zero Turn Mower

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. Douglas Annexation File No. ANNX-0002-2022

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 – Wastewater Update 13.20
- b. Crown Pointe Park Regrading – Recommendation to Award Contract

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. FY 2021 Annual Comprehensive Financial Report
- b. Personnel Policy Update - Compassionate Separation Benefit

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.

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. Water Reclamation Tertiary Project Update

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 ITEM (To enter into executive session only):

RETURN TO REGULAR SESSION

ADJOURNMENT

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”

Calendar of Meetings & Events

July 19	5:00 pm	<u>City Council Workshop – Workforce Planning – Public Works & Community Development</u>
July 19	6:00 pm	<u>City Council</u>
July 20	5:00 pm	River City Market & Music – Landings Park, Music by Current Flow
July 21	9:00 am	Urban Renewal Agency
July 26	6:00 pm	Parks and Recreation Commission
July 27	5:00 pm	River City Market & Music – Landings Park, Music by Chris Moyer & the Downtown Dixies
Aug 2	5:00 pm	<u>City Council Workshop – Workforce Planning – Administration and Finance</u>
Aug 2	6:00 pm	<u>City Council</u>
Aug 3	5:00 pm	River City Market & Music - Landings Park, Music by The Ryan Larson Band
Aug 9	5:30 pm	Planning & Zoning Commission
Aug 10	5:00 pm	River City Market & Music – Landings Park, Music by Justyn Priest Band
Aug 12	Sunset	Movie in the Park at Syringa Park Sing 2
Aug17	5:00 pm	River City Market & Music – Landings Park, Music by Nu Jack City

Post Falls City Council Meeting

July 19th, 2022

Council Agenda Memorandum

TO: Mayor Ron Jacobson
Council President Kerri Thoreson
Councilors Josh Walker, Joe Malloy,
Nathan Ziegler, Lynn Borders, Kenny Shove
Legal Counsel Warren Wilson

FROM: Shelly Enderud, City Administrator

CC: Department Heads

Workshop 5:00pm – Workforce Planning, Public Works and Community Development

1. Consent Calendar

- d. Gabourie Consent to Annex File No ANNX-22-9 – The Planning Division recommends approval of the consent to annex requested by Mr. Gabourie. His property's septic is about to fail; therefore, he needs to utilize city services. The property is north of the Spokane River, west of West Greensferry Road, and along the south side of Rodkey Drive. If approved, the Mayor will sign the Consent to Annex.
- e. Mongeau Meadows Annexation Reasoned Decision File No. ANNX-0003-2022 – The Planning Division requests approval of the annexation decision document. The 3.91 acre property with a zoning designation of Single Family Residential (R-1) is located on the south side of 16th Avenue east of Quail Run Boulevard. The annexation was approved at the June 21, 2022, Council public hearing. If Council accepts the Reasoned Decision, the Mayor will sign the documents.
- f. Rights-of-Way and Easements: Cecil Road Extension – The Engineering Division requests approval of the dedication of rights-of-way and easements to the City associated with the extension of Cecil Road north from Prairie Avenue. Acquisition of rights-of-way and easements will allow for the construction of sanitary sewer from Charleville Road to Cecil Road and the extension of sanitary sewer (via the City), water (via Ross Point Water), and roadway (via the City – Cecil Road) from Prairie Avenue northerly ½ mile. If approved, the Mayor shall sign the documents.
- g. School District Zone Change Reasoned Decision File No ZC-22-4 – The Planning Division requests approval of the zone change decision document. The three school sites will change from Single-Family Residential (R-1) to Public Reserve (PR). The Council

approved the zone changes at the public hearing on June 21, 2022. If Council accepts the reasoned decision, the Mayor will sign the provided documents.

- h. Stockwell Court Subdivision Construction Improvement Agreement – The Engineering Division requests approval of the CIA for the abovementioned subdivision. The agreement sets forth the typical expectations and responsibilities of the City and the developer. If approved, the Mayor shall sign the documents.
- i. Surplus of a 2014 36” Grandstand Mower – The Parks Division requests approval to surplus a 2014 Grandstand mower. The mower is no longer useful to the City and has been selected to be replaced with the Equipment Replacement Plan. Upon approval of surplus, the mower will be donated to the City of Coeur d’Alene Parks & Recreation Department.
- j. Surplus of a 2014 Zero Turn Mower – The Parks Division requests approval to surplus a 2014 Toro Zero Turn mower. The mower is no longer useful to the City and has been selected to be replaced with the Equipment Replacement Plan. Upon approval of surplus, the mower will be donated to the Kootenai County Parks and Waterways Department.

2. Public Hearings

- a. Douglas Annexation File No. ANN-0002-2022 – Opportunity for Public Comment is given on the request from Whipple Consulting Engineers, Inc, on behalf of Douglass Properties LLC, to annex 9.63 acres into the City of Post Falls with a zoning designation of Community Commercial Services (CCS). The property is located on the northwest corner of Early Dawn Avenue and Zorros Road. The surrounding area to the north, west, and east are residential homes, to the south is the Bluegrass Apartments. At their May 10, 2022, public hearing, the Planning and Zoning Commission recommended approval of the zoning as requested. One person submitted a written comment in opposition to the annexation, no additional comments were received. After comment and discussion, Council should either approve or deny the annexation as presented.

3. Unfinished Business

- a. Ordinance: Wastewater Update 13.20 – This ordinance formalizes the changes to City Code Chapter 13.20 approved at the June 21st Council meeting. Council may adopt the ordinance or take no action.
- b. Crown Pointe Park Regrading: Recommendation to Award Contract – The Parks Division requests approval for the award of the construction contract for the Crown Pointe Park Regrading project to Selland Construction, Inc. Selland Construction was the apparent low bid and City Staff recommend the project be awarded as such. The scope will include furnishing material and labor to complete the necessary work to provide excavation services to regrade the landscape interior of the loop walk and modify the existing irrigation system to improve performance. The total fiscal impact will be \$312,440, which includes a 7% contingency, to be paid from the Parks budget. If approved, the Mayor will sign the provided documents.

4. New Business

- a. FY 2021 Annual Comprehensive Financial Report – The Finance Department requests approval of the FY 2021 Annual Comprehensive Financial Report (ACFR). Anderson Bros. CPAs completed their audit on the City’s fiscal year 2021 financial data and issued an unmodified opinion. They concluded that they were unable to identify any material weaknesses in the City’s internal controls over financial reporting. The ACFR and the Popular Annual Financial Report (PAFR) can be viewed on the City’s website by the public. Both have also been submitted to the Government Finance Officer Association for certification this year. The City has received the Excellence in Financial Reporting Award for the past 23 fiscal years.
- b. Personnel Policy Update: Compassionate Separation Benefit – Administration requests approval to update the City’s Personnel Policy with Section 713 on the Compassionate Separation Benefit. The benefit will be a one-time health reimbursement contribution to FTEs who are resigning due to a terminal medical diagnosis to assist with on-going medical insurance premiums or other medical costs.

6. Administrative / Staff Reports

- a. Water Reclamation Tertiary Project Update – Public Works Project Manager Andrew Arbini will provide this update.

8. Executive Session

No executive session is needed at the time of the writing of this memorandum; however, Council may reserve the right to conduct a session should it see the necessity.



**CITY COUNCIL
MEETING MINUTES**

**July 5, 2022
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

ROLL CALL OF CITY COUNCIL MEMBERS

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove - **Present**

Topic: Workforce Planning: Police Department & Park and Recreation Department
Chief Greg McLean, Police Department: Currently they have 53 sworn officers, 31 support staff, and 12 volunteers. Services that are provided are: patrol, communications, detectives, school resource officers, records, code enforcement, evidence, animal safety, and crime victim advocate. As the population has increased so has the calls for service increased, but our staffing has not increased at the same level. Projected staffing levels are that by 2027 the department would have 102-129 in staff.

Dave Fair, Parks and Recreation Director: Currently they have 27 full-time positions, 14 seasonal positions, and 43 FTE. Services that are provided:

Cemetery: mowing & trimming, setting headstones, service coordination's, sales, record keeping
Construction: new construction, renovations, ADA upgrades, contract management, permitting
Maintenance: Mowing & trimming, irrigation, public response, rental & event support, vandalism & repair

Recreation: programing, leagues, special events, public response, marketing

Urban Forestry: tree trimming, plan reviews, tree inspections, public response, storm response
52% of their staff has been employed by the city under 4 years. Projected staffing levels are that by 2027 the department would have 47 employees. With the current staffing level, the level of service is seeing a reactive approach more than a proactive one. There is longer response time. Time interacting with residents is less and staff of feeling a deputed sense of purpose. The amount of park acreage has gone from 438.9 acres in 2011 to 873.82 acres in 2021.

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 - **Present**

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- a. Post Falls was named a 2021 Tree City USA by the Arbor Day Foundation to honor its commitment to effective urban forest management. Congratulations to Preston and his team for their continued efforts in ensuring Post Falls is a community that places value on the planting and caring of trees.
- b. The Post Falls Festival is happening this weekend, Friday thru Sunday at Q'emiln Park. The 3-day event includes live music, food and craft vendors, entertainment for the kids and more. The Festival parade is Saturday at 10 am and will run along Seltice Way from Spokane to Idaho Street. A full schedule of events is posted on the city website.
- c. The River City Market and Music will be at the Post Falls Landings every Wednesday, from July 13th thru August 17th, from 5-8 pm. Each week will include live music, local vendors, food trucks, and a great view of the river. This is a free family friendly event.
- d. Field Herrington received the Idaho Municipal Attorneys Rising Star award. The award, as the name suggests, recognizes young municipal attorneys who have jumped in with both feet and are making an impact in their community. We are lucky to have Field on our team and this recognition was well earned.

AMENDMENTS TO THE AGENDA

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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.

Mayor: I received a call from a gentleman asking if he could talk to me about a public hearing. I know this hearing was coming up, so I said no, and we did not talk about it.

1. CONSENT CALENDAR

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ACTION ITEMS:

- a. Minutes – June 21, 2022, City Council Meeting
- b. Minutes – June 22, 2022, City Council & Planning and Zoning Commission Workshop
- c. Payables – June 14, 2022 – June 27, 2022
- d. Stockwell Annexation Agreement and Right-of-Way/Easement Dedications
- e. Stockwell Court Subdivision Master Development Agreement
- f. Avista License to Use Real Property
- g. Frontage Improvement Waiver Request – 319 W. 20th Ave
- h. Stone's Throw Subdivision Master Development Agreement
- i. Representation Letter with Beveridge and Diamond
- j. Pointe at Post Falls 4th Addition Subdivision Plat Application
- k. Britton Place Subdivision Plat Application

Motion by Malloy to accept the Consent Calendar as presented.

Second by Borders.

**Vote: Borders-Aye, Shove-Aye, Walker-Aye, Thoreson-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. Jacklin-Prairie Annexation

Public Hearing opened at 6:04 pm.

Staff Report

Jon Manley, Planning Manager: The requested action is to approve the annexation with the zoning of CCM of approximately 94 acres into the City of Post Falls. This would require a development agreement. The Developer is proposing no residential in the Development Agreement. There would be an approximately 11-acre K-12 school site. The Planning and Zoning Commission made a recommendation for the Commercial Mixed (CCM) zoning at their May 10, 2022, meeting. Permitted and specially permitted uses in the CCM zone are listed in the land use table in Section 18.20.030 of this title. Multi-family residential uses may not exceed fifty percent of the total development site. Multi-family residential uses that are incorporated into vertical mixed-use buildings are excluded from this calculation. There is a height restriction of 105 feet; the height limit may be exceeded by a special use permit for medical, hospitality, and vertical mixed-use buildings. The project is located to the north of Prairie and between the future N. Zorros and N. Fennecus roads to the east of Highway 41 across from the Foxtail development and just adjacent to the future Prairie Crossing commercial development. Current land use is agricultural land in the county and there are no significant topology or vegetation matters, and it is over the Rathdrum Aquifer. Ross Point Water District provided a will serve letter for water services and the City of Post Falls would provide sewer services. All agencies have been notified and Kootenai Fire continues to say they are in partnership with the city and will provide comments through the permitting and subdivision process. Post Falls Police Department remains neutral, Post Falls Highway District requests the rights of way be dedicated be 60' minimum from centerline of Prairie Ave. and the Department of Environmental Quality has no impact comments currently.

Applicant

Rand Wichman, Rand Wichman Planning and Gordon Dobler, Dobler Engineering representing Jacklin Land Company: The proposal is next to the old Jacklin Farm, majority of the land is to the east, west, and northwest of the proposal is owned by Jacklin. This is within the transitional area. We view this area the transition between the heavier commercial uses and lighter residential uses which is why he CCM zoning is being requested. It allows for the uses we envision at this site, prohibits the most intensive commercial uses allowed by CCS and we propose a prohibition on residential uses in the Development Agreement due to community concerns. Because of how long it

took us to get into the process of this annexation we lost an interested user, we are hopeful to gain interest from a similar user again once we are done with the processes. Therefore, we proposed no residential uses, and we feel this development can be successful without residential uses. There is a school site on 11-acres which is another reason why we are interested in moving forward with this annexation. They are well along with their site-plan, and it will be a public charter school. In the Development Agreement there is mostly standard requirements. There are specific provisions related to wastewater. There are numerous easement and ROW dedications. There is a restriction on residential development, and we are agreeing to do the construction of the Prairie Trail from Prairie Ave. to Highway 41, approx. 0.9 miles. We are requesting that the language in the Development Agreement would allow for taller than 45' building with a special use permit.

Malloy: Nothing is set in stone, but you do not want to be limited in height to 45', so what is the right height?

Wichman: I do not know. 45' should be a good but if we get a user that needs more it would be nice for the option. I do not see it as a common occurrence.

Testimony

In Favor

Mark Hughes (Post Falls) in favor not wanting to speak: Having known the Jacklin family for 50 years, we trust them to do a responsible, quality development.

Jared Pierson (Coeur d' Alene) in favor not wanting to speak: Ed Kaitz is an excellent steward and educator. Kootenai Classical Academy would be a very high-quality education. We need to raise the bar on education for our community. I hope for my daughter to one day attend Kootenai Classical Academy.

Dawson Williams (Coeur d' Alene) in favor not wanting to speak.

Ben Kettle (Rathdrum) in favor not wanting to speak.

Beverly Guenette (Coeur d' Alene) in favor not wanting to speak. I am in favor of the annexation. I feel it would be a good investment for the area.

Matthew Volz (Coeur d' Alene) in favor not wanting to speak. I, Matthew Volz, support the request to city council for the annexation of Jacklin Prairie ANNEX-0012-2021 to move forward. It will be consistent with policy 10 and make Post Falls proud.

Barbara Hedden (Coeur d' Alene) in favor not wanting to speak.

Terri Seymour (Coeur d' Alene) in favor not wanting to speak. I'm in favor of the annexation.

Jeff Tyler (Coeur d' Alene) in favor not wanting to speak. I am in full support of this annexation.

Brent Regan (Coeur d' Alene) in favor not wanting to speak. Please support the annexation.

Braden Farrar (Post Falls) in favor not wanting to speak. I'm in full support of approving this zoning request. The area needs more schools, and this school promises to be an exceptional one. This can only improve the lives of the present community members if it goes through.

Pat Rogers (Hayden) in favor not wanting to speak. This school would be a huge benefit to our area.

Nicolas Hendrickson (Coeur d' Alene) in favor not wanting to speak. Let us take this opportunity to raise the standard of education for our community.

Robert Miles (Coeur d' Alene) in favor not wanting to speak. As a 12-year Post Falls student and graduate, I personally understand overcrowded schools and tragically lost a friend to double shifting and late hours walking home. The Jacklin annexation and the public charter that's part of it will increase school capacity at no additional cost to the city. The school itself helps further the city's goal of increasing civic engagement and responsible growth. Please support this agenda item.

Steve Martinez (Otis Orchard) in favor not wishing to speak. There are few, if any, possible uses of this land that could provide more beneficial growth to the city than an institution explicitly designed

to foster the education and development of our children. Kootenai Classical Academy will provide informed and knowledgeable appreciation of arts and culture while contributing to the community environment of Post Falls (Goal 11) and provide a beacon of learning and accomplishment that Post Falls can be proud of (Policy 102).

Nathan Tull (Post Falls) in favor not wanting to speak. In favor of the annexation, it would be a huge investment for the area.

Danielle Driz (Coeur d' Alene) in favor not wanting to speak. The future of education in Idaho depends on this school. We need more educational opportunities.

Jonathan Mayshar (Hayden) in favor not wanting to speak. Since increasing residential building is a reality that cannot be prevented, I believe that it is essential that distributed, modest commercial areas be built to keep the small-town character of Post Falls (goal #3) from being overwhelmed by traffic (policy #2). This annexation, with the charter school, is the right-size solution.

Andi Shaw (Coeur d' Alene) in favor not wanting to speak. Please approve the annexation for Kootenai Classical Academy. This is a greatly needed Charter School. Very few include K-8th with the intent to expand through 12th. My kids are homeschooled in classical education. They are excited about having this school to attend.

Sydney Reimann (Coeur d' Alene) in favor not wanting to speak. I am praying for my kid's future you will make the right decision to open this school.

Cheryl Bersch (Post Falls) in favor not wanting to speak. We desperately need the Hillsdale Classic school.

Rachel Kaitz (Coeur d' Alene) in favor not wanting to speak.

Brittney Pierson (Coeur d' Alene) in favor not wanting to speak.

Douglas Bouma (Lavel, MI) in favor not wanting to speak.

Sara Kaitz (Coeur d' Alene) in favor not wanting to speak. I would love to see the parents and children of Post Falls have the opportunity to experience wonderful education at KCA.

Shawn Howell (Rathdrum) in favor not wanting to speak. Policy 10 and goal 7.

Ed Kaitz (Coeur d' Alene) As board chair for Kootenai Classical Academy, I believe this K-12 public charter school is a fantastic opportunity for the parents, children, and citizens of Post Falls and Kootenai County. We hope to add a wonderful educational experience, and opportunity for the public to get involved in our current and future endeavors.

Michael Burgess (Post Falls) The CMM zoning makes for appropriate transition from the Prairie Crossing Commercial area away to the Northeast. The school portion helps set that tone. Can anything be better bordering the Prairie Trail there than a high performing charter school model that is for every kind of student? The feeling of community will be grown and preserved. The growth is beneficial. It adds an ideal option to the vision for educational opportunities. It balances land use to help Post Falls remain a desirable, stable, sustainable community.

Letter from Melissa Wells, Coeur Development in favor of the annexation was given to Council. Kootenai County Land Company, the developer of Foxtail Development to the southeast of the Jacklin property, support the annexation of the 97-acre Jacklin property to the City of Post falls, with the zoning designation of Community Commercial Mixed (CCM). The Comprehensive Plan designation for the site is Transitional, and the Plans Highway 41 Focus Area supports commercial, tech, and multi-family uses. The site is adjacent to a commercially zoned property, a future shopping center, and future extension of Fennecus and Zorroes (Collectors) and is near the intersection of Prairie Avenue (arterial). Plus, water and sewer are readily available to the site. We also understand the applicant plans to donate a much needed 11-acre future school site. Like the Post Falls Planning Commission, we support the development of the site for commercial services, office spaces, and the school site, and recognize these uses will reduce vehicle trips to the City Center

and provide employment opportunities and commercial property tax for the City and the future school.

Samantha Steigleder (Post Falls) I am in favor of this annexation and school. I appreciate the developer using the development agreement and listening to the people. I am opposed to height restrictions.

Stacy Allen (Coeur d' Alene) in favor not wishing to speak. Please approve Annexation.

Elizabeth Bacon (Coeur d' Alene) in favor not wishing to speak.

Brian Bacon (Coeur d' Alene) in favor not wishing to speak.

Michael Schlstrate (Post Falls) The proposed CCM zoning makes a good transition from the Prairie Crossing Commercial area. The CCM zoning is consistent with goals and policies of the HWY 41 north corridor.

Sarah Fisher (Rathdrum) I have some children with learning disabilities. This school will complete the amazing educational seen we have here. This school will attract family centered growth.

Nina Beesbey (Rathdrum) I am on the Rathdrum Planning and Zoning Commission, so these types of things are familiar to me. as far as I could see, it is consistent with the goals and policies of the comprehensive plan. This land supports community needs, Goals 7 area schools are over capacity. We get letters from the Lakeland Joint School District expressing their concerns that the impact has on their schools. 2 years ago, there was an article in the CDA Press about the school's hitting capacity, a committee developed the CDASD 2020-2030 Long Range Facilities Plan. The report found that 10 of the district's 18 schools were at or over 100% capacity. Half of the elementary schools ranged from 100% to 129% capacity in 2019 and the committee predicted one facility would hit 192.7% capacity by 2030. These concerns are also affecting the high schools they are currently at 103% capacity. The proposal will provide a needed service to the community and our students.

Gary Retter (Coeur d' Alene) I am the owner/operator of the Peak Health and Wellness centers. They are full-service clubs and our current location in Post Falls is by Super One. Our new location will be in the Prairie shopping center adjacent to the proposal tonight. I am in favor of this proposal as it will complement the Prairie shopping center site, we selected this site because of HWY 41 and Prairie as it will become a regional hub. This development will alleviate a lot of the traffic issues our area currently has.

Shelly Moore (Coeur d' Alene) speaking for Kris Nordberg, and Pam McCormick. Opening the Charter School in Post Falls will have an amazing effect on the city. She then gave an NFL analogy of Tom Brady and Joe Borrows. Those teams by bring in excellent players who are born leaders took their teams to the Super Bowl. This is the effect this school will have on the community.

Victoria Slater (Coeur d' Alene) Bringing in this school will have a great effect on the students in the area and their academic performance will improve.

Rosalene Sqantas (Post Falls) Everything I have to say has been said.

Michael More (Coeur d' Alene) Wholeheartedly support the proposed annexation of the Jacklin-Prairie 89 acres for the sake of diversity within the Post Falls community. I taught at a Montana Classical school, and it was a wonderful experience.

Rachelle Ottosen (Rathdrum) All my points have been made and I would be thrilled to have my kids go to this school.

Neutral

Carl Bjerke (Coeur d' Alene) I will remain neutral, at this time, as I feel the Councils wisdom will prevail/ upon hearing and reading all relevant testimony, my knowledge of this issue resides in my firm conviction that every reasonable attempt shall be made to provide for curriculum choice and without the ability to create new and alternative educational facilities and institutions, parents and their children will always be subject to the "one size fits all" choice.

Howard Burns (Post Falls) Thank you to the applicant they put in no residential. I am happy to see all the people who turned out tonight. No one has spoken that there are no school impact fees being collected. The State does not allow that. Everyone should write to your legislatures for that to change. There should be any roundabouts on Prairie. With the schools going in around there is a recipe for disaster. I would like the land the school is going on if the school does not happen it will stay a school site.

In Opposition

Steve Ridenour (Post Falls) representing GVD Partners who has the land to the south of this. GVD believes the Jacklin site should contain a residential component and that it is procedurally improper to apply for zoning classification while simultaneously rejecting an intrinsic portion of the requested zoning classification. Furthermore, restricting against a residential component is wrong and goes against proper planning, as adjacent residential would help curtail overall driving miles and therefore demands on public infrastructure. In addition, it would also help provide housing for young people and other housing seekers. In summary, GVD remains steadfast in its belief that the City of Post Falls should suspend any further CCM/CCS zoning applications and/or annexations for such properties until such time as the currently zoned CCM/CCS developments are built out and the city is able to approve zoning requests without inappropriate modifications to the zoning classification.

Tamie Bremer (Post Falls) I am not in opposition of the school. What concerns me is the big picture of the annexation. They say there will be no residential but who is to say what will happen in the future. They could sell it and apartment could go in. I am concern with the 105' building height. It does not fit in with the small town feel we are trying to keep.

Rebuttal

Wichman: We are pleased with the amount of support we have seem tonight. We believe this is a good fit for the city. In regard to traffic, commercial does not generally generate traffic. This would reduce traffic further down 41.

Public Hearing Closed at 7:23 pm.

Deliberation

Field Herrington, Deputy City Attorney: Does Council feel this should be annexed into the city?

Malloy: It is a natural extension of the city.

Council agreed.

1. Amendments to the zoning map should be in accordance with the Future Land Use map.

Mayor: It is currently transitional.

2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.

Malloy: It will provide pedestrian connectivity, creation of backage roads, commercial uses along arterial roads.

3. Zoning is assigned following consideration of such items as street classifications, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Mayor: The commercial should be along streets with higher capacity. There is Prairie and 41.

Malloy: This is the only one that makes me nervous because Hwy 41 is not complete yet. a lot of the things that have been approved along 41 have not been built yet. commercial can create a lot of traffic. Prairie will someday be 5 lanes. How fast is this going to be built out? 86 acres of commercial

most likely not that fast. If we were talking residential, I would be way more nervous because that would be built tomorrow.

Borders: I think the school meets the community needs as well.

Ziegler: I think one of the benefits of this development is it is not generating new traffic but diverting traffic from existing areas.

4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

All agreed with this.

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Malloy: We don't know what is going in there. I would say this is not applicable because it is zoned for more intense uses than what is going in.

6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

Not applicable

Malloy: How does everyone feel about the height?

Mayor: Do I foresee a 105' building in Post Falls, no, but might I see a 4-5 story hotel possibly. I am not excited about 105'.

Thoreson: It would seem that any other number would be arbitrary. So, I don't think it is an issue because I think it is very unlikely to go 105'. But I am also ok with putting in that caveat of a special use permit.

Mayor: If the applicant has agreed to the 45' that they should be allowed, should the need arise, to be able to apply for a special use permit.

Ziegler: 105' seems very large on the Prairie. It could see an expansion of our medical services. I think a limitation of 45' with possibility of coming back with a special use permit makes sense

Borders: I like to provision.

Shove: I like it as well.

Motion by Thoreson to approve the Jacklin-Prairie Annexation as recommended by P&Z with the 45' and Special Use Permit and have staff prepare the final ordinance for annexation.

Second by Walker

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

Motion Carried

Motion by Thoreson to amend the motion to say approve the Jacklin-Prairie Annexation and have staff prepare the final ordinance.

Second by Walker

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

Motion Carried

Motion by Malloy that the Jacklin-Prairie Annexation be assigned the CCM zoning with the stipulation in the development agreement that any structure above 45' that is proposed must obtain a Special Use Permit.

Second by Thoreson.

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

Motion Carried

Council took a recess starting at 7:39 pm and ending at 7:45 pm.

b. The Pointe Zone Change
Public Hearing opened at 7:45 pm.

Staff Report

Jon Manley, Planning Manager presenting: The requested action is to rezone approximately 54.1 acres in the City of Post Falls from Industrial (I) zoning to the Community Commercial Mixed (CCM) zoning district which requires a Development Agreement. The request is generally located west of Wal-Mart and east of Cabel's north of I-90 and west of Baugh Way mostly along Pointe Parkway. In 2008 there was an approved commercial site plan, there were large anchor pads of which Wal-Mart took anchor 3 leaving the other 3 vacant. Since 2008 we have recognized that the commercial industry has changed significantly, now many people are doing their shopping online so now the smaller neighborhood commercial sites are more of what people gravitate to. They recently submitted a preliminary subdivision, Pointe at Post Falls 4th Addition, to create smaller pad site commercial development. There will be an internal road system to connect the new smaller pad lots. With CCS there is a list of vested rights and permitted uses where the rules are straightforward versus a mixed zone that requires a Development Agreement. The CCM zone allows up to 50% multi-family outright with a commercial development. The draft agreement has 28.5%, 15.4 acres, for multi-family and the applicant has looked at some different options. Option 1 would be 30.5%, 16.5 acres, that would be located north of Pointe Parkway set back behind commercial pad sites. Option 2 is 36.1%, 19.5 acres, where they would add some of the multi-family on a couple of lots south of Pointe Parkway set behind some commercial pad sites align with the area stated north of Pointe Parkway.

Applicant

Joseph Powell, Wadsworth Group: We are requesting this area to be rezoned CCM to allow us to create an atmosphere in the community in an area that has been left vacant for some time. Wadsworth Development Group purchased the property in 2013. In 2013, Cabela's and Wal-Mart were constructed with the West Pointe Parkway and part of Baugh Way completed. There were restrictions on the property that were put in place by the previous developer. Since acquiring the project WDG has constructed infrastructure, constructed several internal public roads, upgraded utilities, strategically sold pads to developers and tenants, and master planned a mixed-use development. With the additional road and infrastructure improvements, the area still faces development challenges because of the current zoning. The current zoning has deterred retail and other commercial businesses throughout the years. The current zoning is out of line with the City's Comprehensive Plan for the area. The new zone request will help achieve the City's goals and create areas for residents to live, work, and play.

Ron Wu, Redtail Multi-Family Land Development: We have partnered with Wadsworth for the 19-acre multi-family development area. If this is approved, we envision a pedestrian friendly apartment complex that will be set behind 3 acres of commercial. So, along Pointe Parkway would be 3 acres of commercial and set behind that would be 270-unit multi-family development. There would be 2 to 3, approximately, 1-3 story apartment buildings with about 6 townhome style units. Our goal is to promote walkability to the current commercial as well as the future commercial in the area. This will help bring rooftops to the center and allow Wadsworth to build out their vision for this area. The community we are using as an example for this is an area in Boise called Kensington at North

Pointe. They have retail in the front with multi-family to the back and a Wal-Mart across the main street.

Testimony

In Favor

Matt Dean, Walmart: My name is Matt Dean, and I am the Sr. Portfolio Manager for Walmart Stores Inc with management and oversight of our portfolio of stores covering the majority of the West Coast, inclusive of Idaho. I'm aware that a zone change request has been submitted to rezone approximately 56.1 acres from Industrial to Community Commercial Mixed zoning surrounding our store at the Pointe. I support this rezone request. A primary driver of economic activity and community vibrancy is affordable housing options. Community Commercial Mixed zoning promotes increased and affordable housing options in the City of Post Falls, which has experienced extraordinary growth over the last several years. This growth has brought an unprecedented increase in housing costs. Along with additional housing options, this change of zone will change the Pointe from a purely retail destination to a place where people can live, shop, and work. I consider the applicant's rezone application to be beneficial to all stakeholders at the Pointe, as well as the City of Post Falls.

Steven Krajewski, Bass Pro/Cabel's'a: Bass Pro supports your request for a zoning change. We will contact our landlord requesting their support also.

Neutral

None

In Opposition

Samantha Steigleder (Post Falls): More residential will increase traffic. This will only be beneficial to the residents put in here. I was confused on the street classification. This will not create a sense of community. Why do they need residential? who is wanting to walk to places? I want to walk to the park and not to buy my groceries. We don't want to be Boise.

Howard Burns (Post Falls): Mr. Burns spoke about all the other apartments that have been already approved in this area. They should request R-3 for the apartment area and CCM for the rest of it. Have the R-3 stand alone. We are bailing out the developer and that is not your job. There needs to be a height limit. I would like to see rent people can afford.

Tammy Bramer (Post Falls) : I agree with Mr. Burns. Planning and Zoning should present this better and not lumped together. There are so may complexes in this town that have not even been built yet. apartments are not solving the housing problem in this community. We have very few single-family homes for rent. Apartments are not a community. Apartments do not maintain the small-town charm. Commercial does increase traffic.

Rebuttal

Powell: On of the drivers of rent is the lack of supply. What better place to build apartment is to build them in an area that will not affect the existing communities? People will be using the interstate to access the area.

Public Hearing Closed at 8:27 pm.

Deliberation

1. Consistent with the Future Land Use Map.

Malloy: This development started 25 years ago and was envisioned for industrial. The developer kept saying “more rooftops”. Woodbridge went in and did not solve the problem but made the area less attractive to industrial users. That messed up the industrial zone. Industrial in my opinion is now not appropriate there.

Mayor: There are some industrial being built on the west side, outside of this area.

Borders: Also, in the Riverbend Focus Area.

2. Consistent with the goals and policies found in the Comprehensive Plan.

Mayor: Mixed housing, is it compatible with surrounding area and are services within walking distance. Those are the ones that meet it.

Malloy: It does fit the Riverbend Focus Area. The infrastructure in the area is the most under used infrastructure in the city.

3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Mayor: Previous comments apply to this.

4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Malloy: This applies.

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Does Not Apply

6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

Does Not Apply

Malloy: I would like to see a 45’ restriction on the residential.

Thoreson: I would agree.

Ziegler: How many close neighbors are required to attract commercial. I am not a fan of high density residential.

Borders: I am good with the height limitation. Not crazy about the multi-family but it does fit the model there. What else would you put in but the freeway.

Shove: I am torn. I do like the height restriction.

Walker: am not a fan of apartments. I agree with the height restriction. Until the commercial is built, the impact would come into town so we will see the impact for a while.

Thoreson: I have no issues with the zone change.

Motion by Malloy to approve The Pointe Zone Change to CCM, further that the Development Agreement include the P&Z recommendations and that there be a height limit in the development agreement on residential construction not to exceed 45’.

Second by Borders.

Vote: Walker-Aye, Thoreson-Aye, Malloy-Aye, Ziegler-Nay, Borders-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. Ordinance – Stockwell Annexation File No. ANNX-0011-2021

Motion by Thoreson to place the Ordinance Stockwell Annexation File No. ANNX-0011-2021 on its first and only reading by title only while under suspension of the rules.

Second by Borders.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 4.834 ACRES, WITHIN A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, 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 Thoreson to approve the Ordinance Stockwell Annexation File No. ANNX-0011-2021 and to direct the Clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

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

Motion Carried

b. Resolution – Preliminary Budget for Fiscal Year 2023

A RESOLUTION OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED BUDGET FOR FISCAL YEAR 2022-2023, AND INCLUDING PROPOSED EXPENDITURES BY FUND, AND PROVIDING FOR PUBLICATION OF PUBLIC HEARING REGARDING THE PROPOSED BUDGET.

WHEREAS, it is necessary, pursuant to Idaho Code 50-1002, for the City Council of the City of Post Falls, prior to passing the Annual Appropriation Ordinance, to tentatively approve the proposed budget, and enter such Budget at length in the journal of the proceedings and hold a public hearing; NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Post Falls, that the following be and the same is hereby adopted as an Estimate of Revenues and Expenditures of the City of Post Falls for the fiscal year beginning October 1, 2022:

PROPOSED EXPENDITURES/EXPENSES
WITH PROPOSED REVENUE COMPARISONS

TOTAL

GENERAL FUND:

Expenditures: (Including ADMINISTRATION , FINANCE
CITY CLERK, LEGAL SERVICES, COMMUNITY DEVELOPMENT,
SAFETY, PUBLIC WORKS, PARKS & RECREATION, CAPITAL IMPROVEMENTS/CONTRACTS
PERSONNEL, PERSONNEL POOL, ANNEXATION FEE ACCOUNT)

TOTAL GENERAL FUND.....\$46,876,787
Revenues: (Including PROPERTY TAX, OTHER REVENUE, OTHER
FINANCING SOURCES, FUND BALANCE REBUDGETED)
TOTAL GENERAL FUND..... 46,876,787

SPECIAL REVENUE FUNDS:

Expenditures: (Including COMPREHENSIVE
LIABILITY INSURANCE, STREET LIGHTS
911 SUPPORT, DRUG SEIZURE, SPECIAL EVENTS
CEMETERY CAPITAL IMPROVEMENT)
TOTAL SPECIAL REVENUE FUND..... 1,647,066
Revenues: (Including PROPERTY TAX, OTHER REVENUE,
OTHER FINANCING SOURCES)
TOTAL SPECIAL REVENUE FUND..... 1,647,066

CAPITAL PROJECTS FUNDS:

Expenditures:(Including FACILITY RESERVE
ACCOUNT, CAPITAL IMPROVEMENTS)
TOTAL CAPITAL PROJECTS FUND 13,542,140

Revenues: (Including OTHER REVENUE, OTHER FINANCING
SOURCES, FUND BALANCE REBUDGETED)
TOTAL CAPITAL PROJECTS FUND 13,542,140

DEBT SERVICE FUNDS:

Expenditures: (Including LID DEBT SERVICE)
TOTAL DEBT SERVICE FUND 528,150

Revenues: (Including OTHER REVENUE, FUND BALANCE
REBUDGETED)
TOTAL DEBT SERVICE FUND 528,150

ENTERPRISE FUNDS:

Expenditures: (Including SEWER, SANITATION,
WATER)
TOTAL ENTERPRISE FUND..... 68,088,573

Revenues: (Including OTHER REVENUE, OTHER FINANCING
SOURCES, CONTRIBUTED CAPITAL/CAP FEES, FUND
BALANCE REBUDGETED)
TOTAL ENTERPRISE FUND..... 68,088,573

TOTAL ALL FUND EXPENDITURES/EXPENSES.....\$130,682,716
TOTAL ALL FUND REVENUES.....\$130,682,716

BE IT FUTHER RESOLVED, that a general tax levy to yield \$14,751,793 on all taxable property within the City of Post Falls be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2022 with \$14,581,793 budgeted in the General Fund and \$170,000 budgeted in the Special Revenue Funds.

BE IT FUTHER RESOLVED, that a Notice of Public Hearing for the Fiscal Year 2022-2023 budget be published in two (2) issues of the Coeur d'Alene Press on July 29th 2022 and August 5th, 2022, or upon such other dates that comply with the legally required dates of publication for a public hearing to receive comments on a proposed city budget.

BE IT FURTHER RESOLVED, that a Public Hearing on the Budget be held on the 16th day of August, 2022 at the hour of 6:00 o'clock p.m., at Post Falls City Hall, 408 N. Spokane St., at which time any interested person may appear and show cause, if any he has, why the proposed Budget should or should not be adopted.

Motion by Thoreson to approve Resolution Preliminary Budget for Fiscal Year 2023 and to direct the Clerk to assign the appropriate number.

Second by Malloy.

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

Motion Carried

4. 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.

Samantha Steigleder (Post Falls): What is the ratio of goals and policies that need to be met or not met. I do not know what it is going to take, is it a room full of people every time. People are telling you we do not want this. More high density is not solving our housing problems. They are doing it to make money and not to solve the housing problem.

5. 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. A Snapshot Look at Residential and Commercial Development from 2020-2022, Bob Seale, Community Development Director presenting: Maps were shown of areas in Post Falls where residential and Commercial Developments are being built and developments that are in the review stage.

6. 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.

7. 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 ITEM (To enter into executive session only):

- a. 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.
- b. Idaho Code 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency.

Motion by 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 and Idaho Code 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency, further that no action will be taken during the session and that the session will last approximately 20 minutes.

Second by Malloy.

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

Entered Executive Session at 8:59 pm.

RETURN TO REGULAR SESSION 9:11 PM

8. 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. Waiver of Claims

Motion by Thoreson to approve the Waiver of Claims.

Second by Malloy.

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

ADJOURNMENT 9:12 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: 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”

Post Falls Check Approval



City of Post Falls

Packet: APPKT09451 - Check Run 7.20.22
 Vendor Set: 01 - Vendor Set 01

Check Date: 7/20/2022

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 001 - GENERAL FUND					
Balance Sheet Accounts					
VEN06558	ARCHITERRA HOMES				
APMWB	Check	BOND RELEASE - 4	BOND RELEASE - 4616 E. CORSAC FOX	001-22115	2,000.00
VEN11902	DAUM CONSTRUCTION				
APMWB	Check	BOND RELEASE - 4	BOND RELEASE - 4151 N. PRADERA	001-22115	2,000.00
VEN08624	HALLMARK HOMES				
APMWB	Check	BOND RELEASE - 2	BOND RELEASE - 2684 N. WRENLEY	001-22115	2,000.00
VEN07931	HAYDEN HOMES				
APMWB	Check	BOND RELEASE - 2	BOND RELEASE - 2567 E. CORRINE	001-22115	2,000.00
P380	Post Falls Food Bank				
APMWB	Check	June 2022	June 2022 Donations	001-22110	616.25
VEN11835	SORBONNE HOMES LLC				
APMWB	Check	BOND RELEASE - 1	BOND RELEASE - 1857 N. WOLLASTON	001-22115	2,000.00
		INV0143613	BOND RELEASE - 1843 N. WOLLASTON	001-22115	2,000.00
		BOND RELEASE - 1	BOND RELEASE - 1698 N. WOLLASTON	001-22115	2,000.00
		BOND RELEASE - 1	BOND RELEASE - 1778 W. OKANOGAN	001-22115	2,000.00
		BOND RELEASE - 1	BOND RELEASE - 1825 W. WOLLASTON	001-22115	2,000.00
		BOND RELEASE - 1	BOND RELEASE - 1810 N. WOLLASTON	001-22115	2,000.00
VEN14633	TAMARACK MOUNTAIN HOMES				
APMWB	Check	BOND RELEASE - 1	BOND RELEASE - 1263 W. MISS HANA	001-22115	2,000.00
		BOND RELEASE - 1	BOND RELEASE - 1310 W MISS HANA	001-22115	2,000.00
VEN12718	VIKING CONSTRUCTION				
APMWB	Check	BOND RELEASE - 1	BOND RELEASE - 1544 N. MINAM LOOP	001-22115	2,000.00
Balance Sheet Accounts Total:					26,616.25
Dept: 412 Information Systems					
C140	CDW Government Inc.				
APMWB	Check	Z372516	Memory for Kirby PC	001-412.0000.63030	67.69
C1799	Cerium Networks				
APMWB	Check	I095688	Exchange Migration	001-412.0000.66180	12,960.00
D070	Dell Marketing LP				
APMWB	Check	I0592330634	Upgrade Office 365 Subscription to G3	001-412.0000.66014	12,196.80
VEN06324	Microsoft Corporation				
APMWB	Check	G012045751	Smarter Booking app	001-412.0000.66014	450.00
Dept 412 Total:					25,674.49
Dept: 414 Finance					
A4280	Anderson Bros. CPA's				
APMWB	Check	7677	09/30/21 Final Audit Billing	001-414.0000.62091	2,650.00
VEN02035	Staples, Inc				
APMWB	Check	3512064293	Office Supplies- Finance	001-414.0000.63060	49.45
Dept 414 Total:					2,699.45
Dept: 415 City Clerk					
C291	Coeur d' Alene Press				
APMWB	Check	I00543047-06282022	Printing of Ordinance 1457	001-415.0000.62000	39.97
		I00543404-06292022	Printing of Ordinance 1458	001-415.0000.62000	128.10
		I00540512-06112022	Printing of Ordinance 1456	001-415.0000.62000	264.04
S570	Sterling Codifiers, Inc.				
APMWB	Check	18016A	Codification of ordinances 1431-1454	001-415.0000.62030	2,546.25
Dept 415 Total:					2,978.36
Dept: 418 Human Resources					

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>A1190</u>	A Drug Free Alliance				
APMWB	Check	68150	Drug testing	001-418.4000.72070	100.00
		67666		001-418.4000.72070	180.00
		67842		001-418.4000.72070	270.00
<u>D09750</u>	DeVries Info Management				
APMWB	Check	0137085	On Site Records Destruction	001-418.0000.63060	55.00
Dept 418 Total:					605.00
Dept: 421 Police					
<u>A0001</u>	Alsco				
APMWB	Check	LSPO2537370	Shop uniforms	001-421.4000.72000	12.73
<u>VEN14572</u>	Axon Enterprise, Inc				
APMWB	Check	Q-381010-44650.902	AXON AB3 body cameras, hardware, software	001-421.0000.91065	362,282.31
<u>C210</u>	City of Post Falls				
APMWB	Check	INV0143543	City Utilities June 2022	001-421.0000.65004	293.67
<u>C220</u>	Coleman Oil Co				
APMWB	Check	CL82469	Animal Safety fuel - 427 - \$366.66	001-421.0000.64030	7,394.68
<u>D070</u>	Dell Marketing LP				
APMWB	Check	10592330634	Upgrade Office 365 Subscription to G3	001-421.0000.66014	12,196.80
<u>D102</u>	DMS				
APMWB	Check	2022-0628	Website update	001-421.0000.66043	500.00
<u>VEN01195</u>	Empire Insignias				
APMWB	Check	2206293	Uniform patches - badge	001-421.4000.72000	190.00
<u>F030</u>	FedEx				
APMWB	Check	274955602420	274955602420	001-421.0000.63070	24.65
		274952337370	Postage for RMA to Data911	001-421.0000.63070	24.65
<u>G020</u>	Galls, An Aramark Company				
APMWB	Check	021389307	New uniform gear - Mackabee	001-421.0000.67020	228.22
		021432779	Uniform shirt - Williamson	001-421.4000.72000	53.43
		021432780	Bike patrol shirt	001-421.4000.72000	65.96
		021393597	Uniform pants - Flood	001-421.4000.72000	87.20
		021469234	Uniform gear - Mackabee	001-421.4000.72000	149.05
<u>VEN13191</u>	Intermax Networks				
APMWB	Check	203973	Direct fiber connect to County	001-421.0000.62040	475.00
<u>I339</u>	Interstate Business Center				
APMWB	Check	063022	Property owner dues 2022	001-421.0000.62310	609.84
<u>VEN01329</u>	iWorQ Systems				
APMWB	Check	198021	Fleet maintenance software	001-421.0000.67100	500.00
<u>K080</u>	Knudtsen Chevrolet and GMAC				
APMWB	Check	5508639	Cable - PFPD125	001-421.0000.67100	73.97
		5508518	Transmitter - PFPD75	001-421.0000.67100	133.46
<u>VEN14630</u>	Montana Sheriffs and Police Officers Association				
APMWB	Check	527	SWAT class registration - Minor	001-421.0000.64020	836.00
<u>N001</u>	Napa Auto Parts				
APMWB	Check	3688-169571	Butane torch	001-421.0000.67090	23.39
		3688-169373	Ujoints - PFPD60	001-421.0000.67100	43.61
		3688-170075	Transmission fluid - PFPD110	001-421.0000.67100	113.96
		3688-169483	Credit for Tensioner returned	001-421.0000.67100	-66.88
		3688-169418	Lubricants - stock	001-421.0000.67100	43.94
		3688-169479	Belt tensioner assembly - PFPD105	001-421.0000.67100	133.76
		3688-169420	Brake cleaner and grease - stock	001-421.0000.67100	294.98
		3688-170881	Battery - PFPD149	001-421.0000.67100	197.21
		3688-169524	Idler pulley - PFPD105	001-421.0000.67100	31.86
		3688-169380	Blower motor assembly - PFPD105	001-421.0000.67100	93.37
<u>V040</u>	ODP Business Solutions				
APMWB	Check	252534098001	Office Supplies- Police	001-421.0000.63060	14.41
		252536230001		001-421.0000.63060	47.89
		252534098001		001-421.0000.63060	63.09
				001-421.0000.66042	405.85
<u>P180</u>	Perfection Tire				
APMWB	Check	1041873	Tire sensor - PFPD105	001-421.0000.67190	65.00

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
VEN04390	Personnel Evaluation, Inc.						
	APMWB	Check	43059	New employee testing	001-421.0000.64020	40.00	
P4384	Proforce Law Enforcement						
	APMWB	Check	486808	Taser magazines	001-421.0000.67020	436.20	
R2161	Rose City Label						
	APMWB	Check	156205	Junior police badge stickers	001-421.0000.63590	245.00	
T118	TPI Embroidery						
	APMWB	Check	18205	Uniform patches and embroidery	001-421.4000.72000	60.00	
VEN14631	Valerie Leona Nunemacher						
	APMWB	Check	0323	Transcription services	001-421.0000.63920	235.00	
W180	Western States Equipment						
	APMWB	Check	IN002058536	Generator repairs	001-421.0000.68050	995.63	
Dept 421 Total:						389,648.89	
Dept: 427 Animal Control							
C220	Coleman Oil Co						
	APMWB	Check	CL82469	Animal Safety fuel - 427 - \$366.66	001-427.0000.64030	366.66	
Dept 427 Total:						366.66	
Dept: 431 Streets							
A1395	Advanced Compressor & Hose Inc						
	APMWB	Check	88414	Hydraulic Swivel Fitting for the Pressure Wash	001-431.0000.63000	48.91	
VEN05261	CDA PAVING						
	APMWB	Check	73240	Dumping Dirty Concrete from Yard	001-431.0000.68130	136.14	
			71494		001-431.0000.68130	65.36	
			72583		001-431.0000.68130	51.59	
			71978	Dumping Dirty Asphalt and Concrete from yard	001-431.0000.68130	181.42	
			71097	Dumping Dirty Asphalt from Yard	001-431.0000.68130	185.92	
			71564	Crushed Base Rock for Stagecoach	001-431.0000.68130	65.69	
			73189	Dumping Dirty Asphalt and Concrete from Yarc	001-431.0000.68130	198.33	
			52715	Ecology blocks for salt storage building	001-431.0000.93010	3,960.00	
			52728		001-431.0000.93010	990.00	
VEN14467	CDA Redi Mix & Precast, Inc						
	APMWB	Check	50756	Riser Rings for Repaving Stagecoach	001-431.0000.68130	1,890.00	
			53289	Curb Inlet Sidewalk Underdrain for ADA Ramp	001-431.0000.68130	275.00	
C210	City of Post Falls						
	APMWB	Check	INV0143543	City Utilities June 2022	001-431.0000.65004	412.49	
C220	Coleman Oil Co						
	APMWB	Check	CL88400	June Fuel	001-431.0000.64030	7,326.79	
VEN01373	Intermountain Sign & Safety						
	APMWB	Check	15522	Aluminum Blanks for Sign Shop	001-431.0000.63260	132.00	
			15523		001-431.0000.63260	421.50	
			15488	3/4 Straight Leg Bracket and Hardware for Sigr	001-431.0000.63260	30.00	
I340	Interstate Concrete & Asphalt						
	APMWB	Check	768181	Asphalt for patching Stagecoach	001-431.0000.68130	11,008.64	
			765374	Asphalt for Patching on Stagecoach	001-431.0000.68130	837.12	
			772523	Asphalt for Paving Prep on Stagecoach	001-431.0000.68130	813.78	
			762547	Gravel for manhole repair on 5th and Expo.	001-431.0000.68130	507.52	
			770444	Asphalt for patching on Chase, Stagecoach an	001-431.0000.68130	1,216.00	
N0991	Norco Inc						
	APMWB	Check	35343009	Safety Vests for Streets	001-431.0000.63110	123.90	
P4835	ProPrint						
	APMWB	Check	61344	Projects Division Business Cards	001-431.0000.63060	27.00	
R1913	Rockhound Landscape Supply						
	APMWB	Check	070122	70 ft of Sod for Stagecoach	001-431.0000.68150	37.80	
R251	Serights Ace Hardware						
	APMWB	Check	332508/1	Seal Tape, Electrical Tape and Wire Cutters fo	001-431.0000.63000	38.83	
			332617/1	Propane for burner on Stagecoach	001-431.0000.63000	27.47	
			332665/1	Garbage Bags for Streets	001-431.0000.63000	14.39	
			332666/1	Propane for Striping	001-431.0000.68100	64.32	
			332440/1	Concrete Sealer and Caulksaver foam for side	001-431.0000.68150	38.82	

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>A565</u>	SiteOne Landscape Supply, LLC						
APMWB	Check			121005645-001	Multi Conductor and wire connectors for sprink	001-431.0000.68150	80.36
				121027886-001	Adjustable Rotor Riser with check valve for Spr	001-431.0000.68150	74.62
<u>W090</u>	Welch Comer & Associates, Inc.						
APMWB	Check			41354110-004	Spokane Street Rehab Welch Colmer Invoice #001-431.0000.68130		7,239.97
Dept 431 Total:							38,521.68
Dept: 433 Facility Maintenance							
<u>C220</u>	Coleman Oil Co						
APMWB	Check			CL88400	June Fuel	001-433.0000.64030	209.12
<u>F135</u>	Fred's Appliance Inc.						
APMWB	Check			05182022	Replacement Refrigerator 1st floor break room	001-433.0000.63730	1,554.00
<u>G0012</u>	GTS Interior Supply						
APMWB	Check			18101341-00	Ceiling tiles for the police Dept.	001-433.0000.68010	248.47
<u>R251</u>	Serights Ace Hardware						
APMWB	Check			332509-1	Thermometer for the P.D. soda machine.	001-433.0000.66190	23.39
Dept 433 Total:							2,034.98
Dept: 434 Fleet Maintenance							
<u>A0001</u>	AlSCO						
APMWB	Check			LSPO2524422	Laundry and Rugs for Fleet	001-434.0000.63160	163.84
<u>A497</u>	Arrow Construction Supply, Inc						
APMWB	Check			338531	Repair and Replace Hoses on the Durapatcher	001-434.0000.67170	1,622.97
<u>C220</u>	Coleman Oil Co						
APMWB	Check			CL88400	June Fuel	001-434.0000.64030	936.82
<u>F145</u>	Freightliner Northwest- Spokane						
APMWB	Check			PC001554194-01	Oil filter Kit with Seals for S220	001-434.0000.63011	80.43
<u>I340</u>	Interstate Concrete & Asphalt						
APMWB	Check			770212	Concrete for Shop Floor in Fleet	001-434.1312.95520	1,161.00
<u>L060</u>	Les Schwab Central Billing Dep						
APMWB	Check			10500844560	Flat Repair for S555	001-434.0000.67210	40.02
				10500843593		001-434.0000.67210	27.03
<u>N001</u>	Napa Auto Parts						
APMWB	Check			3688-158950	Core Credits	001-434.0000.63011	-150.72
<u>VEN08121</u>	PacWest Machinery LLC						
APMWB	Check			30407883	Suction, Inlet Wear Flange, vactor Seal for S55001-434.0000.63011		2,550.61
<u>P1001</u>	Pape Machinery						
APMWB	Check			7000634	Backhoe axle repair and brakes	001-434.0000.67170	4,695.15
<u>R251</u>	Serights Ace Hardware						
APMWB	Check			332718/1	Hose menders and Rubber Hose Washer for F	001-434.0000.63011	21.21
<u>W180</u>	Western States Equipment						
APMWB	Check			IN002063011	Yellow Paint for S208	001-434.0000.63011	49.44
				IN002052306	Seals, Gaskets and Orings for Fleet	001-434.0000.63011	188.92
				IN002064838	Valve Rod for S208	001-434.0000.63011	31.15
				IN002052318	Gaskets for Fleet	001-434.0000.63011	27.33
				IN002062070	O Ring Kit for S208	001-434.0000.63011	170.59
				IN002052262	Seals for S208	001-434.0000.63011	76.41
Dept 434 Total:							11,692.20
Dept: 441 Urban Forestry							
<u>VEN14233</u>	Central Saw Works						
APMWB	Check			47517	Sharpening service for brush chipper knives	001-441.0000.67010	93.60
<u>C220</u>	Coleman Oil Co						
APMWB	Check			CL88400	June Fuel	001-441.0000.64030	390.73
<u>I110</u>	Idaho Fence Co, Inc.						
APMWB	Check			0023166	Hardware for propagation room	001-441.0000.67090	7.84
<u>R1913</u>	Rockhound Landscape Supply						
APMWB	Check			6.23.22	Sand for propagation table	001-441.0000.68170	21.00
<u>R251</u>	Serights Ace Hardware						
APMWB	Check			332413/1	Gloves	001-441.0000.63110	18.51
				332444/1	Chainsaw repair	001-441.0000.67010	112.43

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
APMWB	Check	332388/1	Hardware for propagation room	001-441.0000.67090	11.04
		332150/1	Zip ties and nut drivers	001-441.0000.67090	25.88
		332685/1	Clips & cords for walkie talkies	001-441.0000.67090	27.13
		331808/1	Wire, driver bits, & angle iron	001-441.0000.67090	36.47
		332105/1	Zip ties, bungee cords, & chisels	001-441.0000.67090	48.55
		332319/1	Cord and conduit for propagation table	001-441.0000.67090	49.48
Dept 441 Total:					842.66
Dept: 442 Cemetery					
C210	City of Post Falls				
APMWB	Check	INV0143543	City Utilities June 2022	001-442.0000.65004	1,325.35
C2961	Cold Spring Granite Company				
APMWB	Check	RI 1874125	Gutierrez, Heidi	001-442.0000.63760	293.00
C220	Coleman Oil Co				
APMWB	Check	CL88400	June Fuel	001-442.0000.64030	919.86
W0226	Walter E Nelson Co				
APMWB	Check	473756	\$2205.35 oo1-443.0000.63150 Parks Cleaning	001-442.0000.63150	126.76
W230	Wilbert Precast Inc.				
APMWB	Check	1114836	12 30G Graveboxes	001-442.0000.63420	3,687.00
Dept 442 Total:					6,351.97
Dept: 443 Parks					
A365	American On-Site Services				
APMWB	Check	466017	4th St. Trailhead Portable	001-443.0000.65050	85.00
		466008	Q'emiln Portables	001-443.0000.65050	150.00
		466010	Black Bay Portable	001-443.0000.65050	130.00
		466171	Community Garden portable	001-443.0000.65050	58.33
		466009	Hilde Kellogg Portable	001-443.0000.65050	85.00
		466011	Skate Park Portable	001-443.0000.65050	85.00
		466012	Tennis Court Portable	001-443.0000.65050	85.00
		466023	Upper Corbin Portable	001-443.0000.65050	100.00
		466024	Warren Portable	001-443.0000.65050	85.00
A5189	Aspen Nursery				
APMWB	Check	68426	Flowers for Max & Victor	001-443.0000.68210	164.16
VEN14126	B&B Sani Service, LLC				
APMWB	Check	44744	Trailer Wave Vault Pump Out	001-443.0000.65050	540.00
VEN04987	Basin Sod, Inc.				
APMWB	Check	CM 55300	Pallet Return	001-443.0000.68180	-100.00
		57919	Tullamore Sod	001-443.0000.68180	399.37
C210	City of Post Falls				
APMWB	Check	INV0143543	City Utilities June 2022	001-443.0000.65004	6,128.14
				001-443.0000.68230	1,064.91
C220	Coleman Oil Co				
APMWB	Check	CL88400	June Fuel	001-443.0000.64030	7,139.77
C410	Country Lock & Key, Inc.				
APMWB	Check	9763	Black Bay CXT lock	001-443.0000.62180	190.00
		9809	Re-key lock	001-443.0000.67030	149.45
		9807	2016 Masterlock Padlocks	001-443.0000.67030	139.50
		9812	Entry Levers	001-443.0000.67030	298.90
F020	Fastenal Company				
APMWB	Check	IDCOE161805	Hardware for stock	001-443.0000.67030	25.69
G098	Grainger				
APMWB	Check	9344993887	Irrigation Valve Solenoids	001-443.0000.68230	126.16
H002	H & E Equipment Services Inc				
APMWB	Check	96614497	Excavator Rental	001-443.0000.67070	877.50
H1957	Horizon				
APMWB	Check	2S169089	Falls Park	001-443.1658.62330	50.76
I110	Idaho Fence Co, Inc.				
APMWB	Check	45929	Fence Parts	001-443.0000.63530	7.84
I340	Interstate Concrete & Asphalt				
APMWB	Check	772413	Lean-to	001-443.0000.94180	422.31

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
APMWB	Check	771573	Lean-to	001-443.0000.94180	1,041.00
		771538	Lean-to gravel	001-443.0000.94180	423.80
VEN05363	North 40 Outfitters				
APMWB	Check	39674/E	T-post puller	001-443.0000.67090	44.99
N249	Northwest Playground Equipment				
APMWB	Check	49874	Syringa Playground Replacement Parts	001-443.0000.68013	1,230.43
VEN14571	Pacific Golf & Turf LLC				
APMWB	Check	S859538SPO	Sandstar Infield Groomer	001-443.0000.91000	30,809.40
VEN14579	Planet Turf				
APMWB	Check	3000548	Grass seed for Parks	001-443.0000.68180	1,650.00
P310	Platt Electric Supply				
APMWB	Check	Y557898	Q'emiln Electrical Repairs	001-443.1658.62330	555.45
		2x85089		001-443.1658.62330	244.96
		2X78414		001-443.1658.62330	1,197.13
S0760	Seltice Laundry				
APMWB	Check	2097	Car washes	001-443.0000.63150	16.75
R251	Serights Ace Hardware				
APMWB	Check	332479/1	Chain repair parts	001-443.0000.67030	36.94
		332122/1	Hardware	001-443.0000.67030	19.68
		331872/1		001-443.0000.67030	14.39
		332497/1	Hardware for Parks	001-443.0000.67030	20.72
		332716/1	Hose maintenance	001-443.0000.68230	5.93
		332333/1	Hardware	001-443.1658.62330	40.92
A565	SiteOne Landscape Supply, LLC				
APMWB	Check	120179640-001	Turface for Ball Fields	001-443.0000.68170	1,738.00
		120619315-001	Weed barrier fabric for hoop house	001-443.0000.68190	389.38
W0226	Walter E Nelson Co				
APMWB	Check	473756	\$2205.35 oo1-443.0000.63150 Parks Cleaning	001-443.0000.63150	2,205.35
Z026	Ziegler Lumber Co #017				
APMWB	Check	250231	Tools (Construction)	001-443.0000.67090	29.47
		243830	Tullamore North (Construction)	001-443.0000.68230	3.96
		243301	Tullamore North Irrigation	001-443.0000.68230	53.40
		243828	Tullamore North (Construction)	001-443.0000.68230	99.00
		254558	Q'emiln Restroom Doors	001-443.1658.62330	56.90
Dept 443 Total:					60,415.74

Dept: 445 Recreation

VEN14549	DaySmart Recreation				
APMWB	Check	INV00692759	Online Registration System	001-445.1445.62190	3,037.47
VEN14261	Jacklin Arts & Cultural Center				
APMWB	Check	JACC 7.7.22	Contract payment Kids in the Kitchen - Pizza	001-445.0000.62040	151.20
S050	Saturday Night Inc.				
APMWB	Check	102410	Trojan Basketball Camp shirts	001-445.0000.63430	689.23
R251	Serights Ace Hardware				
APMWB	Check	331698-1	Camp-Repair Parts	001-445.0000.63080	12.30

Dept 445 Total: 3,890.20

Dept: 451 Planning & Zoning

C291	Coeur d' Alene Press				
APMWB	Check	I00542250-06242022	Zone Criteria Update Text Amendment Publica	001-451.0000.62000	86.62
		I00527427-04152022	Council Annexation Publication/Douglass Anne	001-451.0000.62000	189.65
		0000539738	Special Use Permit Publicaiton	001-451.0000.62000	295.49
		I00542224-06242022	Annexation Publication/ Hargrave-Hathaway	001-451.0000.62000	232.90
		I00527430-04152022	Council annexation publication	001-451.0000.62000	388.60
		I00531803-05062022	Zone change publication	001-451.0000.62000	217.33

V040	ODP Business Solutions				
APMWB	Check	251421043001	Office Supplies-Community Development	001-451.0000.63060	167.94

Dept 451 Total: 1,578.53

Dept: 452 Building Inspector

C220	Coleman Oil Co				
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Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>APMWB</u>	Check	<u>CL88400</u>	June Fuel	001-452.0000.64030	789.59
<u>V040</u>	ODP Business Solutions				
<u>APMWB</u>	Check	<u>251421043001</u>	Office Supplies-Community Development	001-452.0000.63060	167.94
<u>P4835</u>	ProPrint				
<u>APMWB</u>	Check	<u>61471</u>	Business cards for Rob Strobel	001-452.0000.63000	26.00
<u>VEN02035</u>	Staples, Inc				
<u>APMWB</u>	Check	<u>3512064295</u>	Office Supplies- Building Inspectors	001-452.0000.63060	68.64
Dept 452 Total:					1,052.17
Dept: 453 Engineering					
<u>C220</u>	Coleman Oil Co				
<u>APMWB</u>	Check	<u>CL88400</u>	June Fuel	001-453.0000.64030	361.96
<u>V040</u>	ODP Business Solutions				
<u>APMWB</u>	Check	<u>251421043001</u>	Office Supplies-Community Development	001-453.0000.63060	167.94
Dept 453 Total:					529.90
Dept: 481 Capital Improvements/Contracts					
<u>C210</u>	City of Post Falls				
<u>APMWB</u>	Check	<u>INV0143543</u>	City Utilities June 2022	001-481.0000.68390	323.49
<u>VEN04421</u>	SPHControls				
<u>APMWB</u>	Check	<u>63429</u>	Service for HVAC at City Hall.	001-481.0000.68390	2,914.89
Dept 481 Total:					3,238.38
Fund 001 Total:					578,737.51
Fund: 003 - PERSONNEL BENEFIT POOL					
Dept: 482 Personnel Pool					
<u>VEN04994</u>	Gallagher Benefit Services Inc.				
<u>APMWB</u>	Check	<u>257971</u>	June 2022 Benefit Consulting Services	003-482.0000.62040	2,500.00
<u>VEN09501</u>	Yoke's Foods Inc				
<u>APMWB</u>	Check	<u>140777</u>	EE Lunch&Learn	003-482.0000.73020	17.29
Dept 482 Total:					2,517.29
Fund 003 Total:					2,517.29
Fund: 037 - STREETS IMPACT FEES					
Dept: 431 Streets					
<u>VEN07815</u>	LaRiviere, Inc				
<u>APMWB</u>	Check	<u>Pay App #1</u>	Poleline Cecil Roundabout Project -	037-431.0000.95137	351,134.19
Dept 431 Total:					351,134.19
Fund 037 Total:					351,134.19
Fund: 650 - RECLAIMED WATER OPERATING					
Dept: 463 Wastewater Operating					
<u>A090</u>	Accurate Testing Labs LLC				
<u>APMWB</u>	Check	<u>124301</u>	June Monthly samples	650-463.0000.68360	610.00
<u>A1395</u>	Advanced Compressor & Hose Inc				
<u>APMWB</u>	Check	<u>88006</u>	5/8" 50 FOOT BLACK GARDEN HOSE	650-463.0000.68025	75.00
		<u>88273</u>	WWTP- FILTER ELEMENT #6	650-463.0000.68025	30.60
<u>A424</u>	Anatek Labs, Inc.				
<u>APMWB</u>	Check	<u>2210365</u>	BLM monitoring	650-463.0000.68360	330.00
<u>C210</u>	City of Post Falls				
<u>APMWB</u>	Check	<u>INV0143543</u>	City Utilities June 2022	650-463.0000.65080	131.24
<u>C220</u>	Coleman Oil Co				
<u>APMWB</u>	Check	<u>CL88400</u>	June Fuel	650-463.0000.65005	794.91
<u>C3090</u>	Columbia Electric Supply				
<u>APMWB</u>	Check	<u>1120-1009328</u>	TIMING RELAY - WWTP	650-463.0000.68025	134.68
<u>VEN03982</u>	Dally Environmental LLC				
<u>APMWB</u>	Check	<u>2627</u>	SRSP Support for June 2022	650-463.0000.62040	663.31
<u>G098</u>	Grainger				

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APMWB	Check	9370501521	STRAINER SCREEN,48 MESH,7" -	650-463.0000.68025	32.47
H030	Hach Company						
		APMWB	Check	13118530	SODIUM HYDROXIDE,	650-463.0000.63400	152.33
				13108724	TENSETTE PIPET 1.0-10.0 ML	650-463.0000.63400	428.96
				13123332	pH STANDARD/pH 7.00 IUPAC 500ML	650-463.0000.63400	117.04
				13107640	PIPET TIP, FOR 19700-10 PK/250	650-463.0000.63400	148.26
H1957	Horizon						
		APMWB	Check	2S168151	WRF IRRIGATION SUPPLIES	650-463.0000.68010	364.86
I2731	Inland Environmental Resources						
		APMWB	Check	2022-0837	mag 7/22	650-463.0000.63008	6,321.50
VEN04172	Northwest Scientific, Inc.						
		APMWB	Check	5157861	Electrode Storage Solution, 1 L	650-463.0000.63400	97.12
R251	Serights Ace Hardware						
		APMWB	Check	331885/1	HOME/GARD SPRYR 3GAL	650-463.0000.68025	57.58
VEN11958	Ultra-Lawn, LLC						
		APMWB	Check	78377	WRF Lawn Care for 2022	650-463.0000.62180	3,946.00
				78832		650-463.0000.62180	151.50
U145	USABlue Book						
		APMWB	Check	007652	Core Pro SR 5" Bottom Section	650-463.0000.68025	238.63
W0226	Walter E Nelson Co						
		APMWB	Check	474070	DOUBLE ZIPPER 1 GALLON, CENTERPULL	650-463.0000.63400	331.61
				473763	Gloves, batterie, towels	650-463.0000.63400	378.02
VEN13163	Wapiti Consulting, LLC						
		APMWB	Check	315	Headworks Influent Screen HMI troubleshootin	650-463.0000.68025	420.00
Dept 463 Total:							15,955.62

Dept: 466 Wastewater - Collections

A1395	Advanced Compressor & Hose Inc						
		APMWB	Check	88355	WWTP- Shop Supplies	650-466.0000.63006	226.54
C210	City of Post Falls						
		APMWB	Check	INV0143543	City Utilities June 2022	650-466.0000.65080	270.18
						650-466.0000.65081	719.26
C220	Coleman Oil Co						
		APMWB	Check	CL88400	June Fuel	650-466.0000.65005	2,919.61
C3090	Columbia Electric Supply						
		APMWB	Check	1120-1009174	HT SNK FAN KIT	650-466.0000.63330	223.12
VEN09959	Harrington Industrial Plastics, LLC						
		APMWB	Check	021A9615	WRF - 2" BALL VALVE, 2" NIPPLE, 2" ADAP	650-466.0000.68021	222.72
N130	North Coast Electric Company						
		APMWB	Check	S011852584.001	ABB ST201M-C15 MCB ST200M 1P C 15A	650-466.0000.68021	40.11
O050	Oxarc Inc.						
		APMWB	Check	31558040	25PPM H25/50PPM CO/2.5% - WW	650-466.0000.63330	310.66
R251	Serights Ace Hardware						
		APMWB	Check	332461/1	WWTP- 2"X3" NIPPLE, FINE POINT MARKER	650-466.0000.63006	13.44
				331714/1	TURBO FORCE DESK FAN	650-466.0000.63330	16.19
VEN13163	Wapiti Consulting, LLC						
		APMWB	Check	317	12th Ave LS - Added 4 flow setpoints for 4 diffe	650-466.0000.63006	960.00
				318	Trouble Shoot Guy LS-found a wet well float w:	650-466.0000.68021	300.00
Dept 466 Total:							6,221.83

Dept: 468 Wastewater - Surface Water

A090	Accurate Testing Labs LLC						
		APMWB	Check	124145	Stormwater sampling	650-468.0000.68360	260.00
C210	City of Post Falls						
		APMWB	Check	INV0143543	City Utilities June 2022	650-468.0000.65080	73.35
						650-468.0000.65081	1,979.90
C220	Coleman Oil Co						
		APMWB	Check	CL88400	June Fuel	650-468.0000.65005	601.11
C3818	Cooper Fabrication, Inc.						
		APMWB	Check	23667	Labor to build new tailgate for flatbed truck per	650-468.0000.68380	1,189.42
R251	Serights Ace Hardware						

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
APMWB	Check	332272/1	PIN HITCH 1/2X35/B REDHO	650-468.0000.68380	28.76
		332496/1	WWTP- PRUNER BYPASS, WHEEL BARROV	650-468.0000.68380	76.48
Dept 468 Total:					4,209.02
Fund 650 Total:					26,386.47

Fund: 651 - RECLAIMED WATER CAPITAL - WWTP

Dept: 463 Wastewater Operating

A293	Allwest Testing & Engin., LLC				
APMWB	Check	25314	Allwest June Special Testing Tertiary Treamer	651-463.3213.90015	8,564.00
VEN05261	CDA PAVING				
APMWB	Check	71659	Sanding Sand	651-463.6505.95520	100.05
P050	Panhandle Area Council				
APMWB	Check	26-PFLM	PAC Invoice #26 Tertiary Treatment	651-463.3213.90015	1,871.00
VEN14291	Sletten Construction Company				
APMWB	Check	20	AFP #20 Tertiary Treatment	651-463.3213.90015	923,916.87
Dept 463 Total:					934,451.92
Fund 651 Total:					934,451.92

Fund: 652 - RECLAIMED WATER CAPITAL - COLLECTOR

Dept: 463 Wastewater Operating

VEN14614	Strider Construction Co, Inc				
APMWB	Check	1	Ponderosa Lift Station Pay App #1	652-463.3214.95520	416,809.65
W090	Welch Comer & Associates, Inc.				
APMWB	Check	41354120-002	Corbin Lift Station Welch Comer Invoice #2	652-463.3234.95520	6,125.00
Dept 463 Total:					422,934.65
Fund 652 Total:					422,934.65

Fund: 700 - SANITATION

Dept: 461 Sanitation

VEN07913	CANNON HILL				
APMWB	Check	33713	Wood "waste" disposal	700-461.0000.65050	60.00
C2150	City of Spokane				
APMWB	Check	4122392	Drug disposal	700-461.0000.65050	141.05
Dept 461 Total:					201.05
Fund 700 Total:					201.05

Fund: 750 - WATER OPERATING

Dept: 462 Water Operating

A090	Accurate Testing Labs LLC				
APMWB	Check	124471	COPPER/LEAD	750-462.0000.68360	360.00
		124448	WATER TESTING	750-462.0000.68360	150.00
		124154	Coliform Presence/Absence	750-462.0000.68360	125.00
		124170	WATER TESTING	750-462.0000.68360	125.00
		124169	Nitrate & Sodium Well 8	750-462.0000.68360	50.00
A1395	Advanced Compressor & Hose Inc				
APMWB	Check	88175	HYDRANT FITTINGS	750-462.0000.63280	153.19
		88386	MALE TIP SS 1/4" FPT SS	750-462.0000.63280	331.50
VEN14124	Badger Meter, Inc.				
APMWB	Check	80101765	BEACON HOSTING SERVICE	750-462.0000.66012	26.82
C1170	CDA Metals				
APMWB	Check	898662	BRACKETS	750-462.0000.63280	34.13
		900613	FLAT BAR & TUBING	750-462.0000.63280	77.01
C210	City of Post Falls				
APMWB	Check	INV0143543	City Utilities June 2022	750-462.0000.65004	123.30
C220	Coleman Oil Co				
APMWB	Check	CL88400	June Fuel	750-462.0000.64030	2,570.02
H215	Core & Main LP				

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
APMWB	Check	Q844803	TAPPING MACHINE PARTS	750-462.0000.63280	352.28
		R011323	REPAIR PARTS	750-462.0000.63280	1,073.98
		R027050	GALV BUSHINGS	750-462.0000.63280	92.32
VEN06511	East Greenacres Irrigation Water Shut-offs				
APMWB	Check	7.6.22	10 Water Shut Offs 6.28.22	750-462.3317.33610	350.00
H1957	Horizon				
APMWB	Check	2S171165	WELL 6, W114, SHOP	750-462.0000.63280	476.03
VEN05270	Idaho Washington Aquifer Collaborative, Inc				
APMWB	Check	2022-12	IWAC Annual Dues 2022	750-462.0000.62060	1,000.00
I339	Interstate Business Center				
APMWB	Check	p.4270.005.001.0	Property Owners Association 2022 Dues	750-462.0000.62060	79.28
K0037	K & N Electric Motors Inc.				
APMWB	Check	0136541	WELL 9 TRIM BALANCE	750-462.0000.68025	975.00
VEN09639	McHugh Bromley PLLC				
APMWB	Check	1000 3098	Water Rights Legal Support for June 2022	750-462.0000.62010	313.50
		1000 3054	Water Rights Legal Support for May 2022	750-462.0000.62010	1,018.73
N001	Napa Auto Parts				
APMWB	Check	3688-168169	IMPACT GUN REPLACEMENT	750-462.0000.67090	551.00
		3688-168167	Socket Truck W120	750-462.0000.67090	19.37
		3688-168724	Battery - Water	750-462.0000.67170	114.05
R2175	Ross Point Water				
APMWB	Check	7.6.22	1 Water Shut Off 6.28.22	750-462.3317.33610	35.00
R251	Serights Ace Hardware				
APMWB	Check	332590/1	MISC PARTS FOR GATE	750-462.0000.63280	66.43
		332130/1	TAPPING TOOLS	750-462.0000.63280	75.73
		331909/1	SAMPLES	750-462.0000.68360	16.89
T106	Titan Truck Equipment				
APMWB	Check	1324387	W201 dump body and upfit	750-462.0000.90040	22,950.87
VEN01099	Totem Pacific Corp				
APMWB	Check	72119	MIOX SALT	750-462.0000.68025	363.09
U145	USABlue Book				
APMWB	Check	009240	REPLACEMENT PITOT TUBE	750-462.0000.63280	194.82
W180	Western States Equipment				
APMWB	Check	002051787	WELL 8	750-462.0000.68025	741.70
		IN002064021	WELL 8 GENSET TROUBLESHOOTING	750-462.0000.68025	589.00
		002059840	WELL 8	750-462.0000.68025	368.00
		002071134 (less Tax		750-462.0000.68025	33.76
		IN002071024		750-462.0000.68025	21.21
		IN002071019		750-462.0000.68025	2.65
		IN002071140		750-462.0000.68025	5.34
Dept 462 Total:					36,006.00
Fund 750 Total:					36,006.00
Report Total:					2,352,369.08



Fund	Account	Amount
001 - GENERAL FUND		
	001-22110	616.25
	001-22115	26,000.00
	001-412.0000.63030	67.69
	001-412.0000.66014	12,646.80
	001-412.0000.66180	12,960.00
	001-414.0000.62091	2,650.00
	001-414.0000.63060	49.45
	001-415.0000.62000	432.11
	001-415.0000.62030	2,546.25
	001-418.0000.63060	55.00
	001-418.4000.72070	550.00
	001-421.0000.62040	475.00
	001-421.0000.62310	609.84
	001-421.0000.63060	125.39
	001-421.0000.63070	49.30
	001-421.0000.63590	245.00
	001-421.0000.63920	235.00
	001-421.0000.64020	876.00
	001-421.0000.64030	7,394.68
	001-421.0000.65004	293.67
	001-421.0000.66014	12,196.80
	001-421.0000.66042	405.85
	001-421.0000.66043	500.00
	001-421.0000.67020	664.42
	001-421.0000.67090	23.39
	001-421.0000.67100	1,593.24
	001-421.0000.67190	65.00
	001-421.0000.68050	995.63
	001-421.0000.91065	362,282.31
	001-421.4000.72000	618.37
	001-427.0000.64030	366.66
	001-431.0000.63000	129.60
	001-431.0000.63060	27.00
	001-431.0000.63110	123.90
	001-431.0000.63260	583.50
	001-431.0000.64030	7,326.79
	001-431.0000.65004	412.49
	001-431.0000.68100	64.32
	001-431.0000.68130	24,672.48
	001-431.0000.68150	231.60
	001-431.0000.93010	4,950.00
	001-433.0000.63730	1,554.00
	001-433.0000.64030	209.12
	001-433.0000.66190	23.39
	001-433.0000.68010	248.47
	001-434.0000.63011	3,045.37
	001-434.0000.63160	163.84
	001-434.0000.64030	936.82
	001-434.0000.67170	6,318.12
	001-434.0000.67210	67.05
	001-434.1312.95520	1,161.00
	001-441.0000.63110	18.51
	001-441.0000.64030	390.73
	001-441.0000.67010	206.03
	001-441.0000.67090	206.39
	001-441.0000.68170	21.00

001-442.0000.63150	126.76
001-442.0000.63420	3,687.00
001-442.0000.63760	293.00
001-442.0000.64030	919.86
001-442.0000.65004	1,325.35
001-443.0000.62180	190.00
001-443.0000.63150	2,222.10
001-443.0000.63530	7.84
001-443.0000.64030	7,139.77
001-443.0000.65004	6,128.14
001-443.0000.65050	1,403.33
001-443.0000.67030	705.27
001-443.0000.67070	877.50
001-443.0000.67090	74.46
001-443.0000.68013	1,230.43
001-443.0000.68170	1,738.00
001-443.0000.68180	1,949.37
001-443.0000.68190	389.38
001-443.0000.68210	164.16
001-443.0000.68230	1,353.36
001-443.0000.91000	30,809.40
001-443.0000.94180	1,887.11
001-443.1658.62330	2,146.12
001-445.0000.62040	151.20
001-445.0000.63080	12.30
001-445.0000.63430	689.23
001-445.1445.62190	3,037.47
001-451.0000.62000	1,410.59
001-451.0000.63060	167.94
001-452.0000.63000	26.00
001-452.0000.63060	236.58
001-452.0000.64030	789.59
001-453.0000.63060	167.94
001-453.0000.64030	361.96
001-481.0000.68390	3,238.38
Fund 001 Total:	578,737.51
003 - PERSONNEL BENEFIT POOL	
003-482.0000.62040	2,500.00
003-482.0000.73020	17.29
Fund 003 Total:	2,517.29
037 - STREETS IMPACT FEES	
037-431.0000.95137	351,134.19
Fund 037 Total:	351,134.19
650 - RECLAIMED WATER OPERATING	
650-463.0000.62040	663.31
650-463.0000.62180	4,097.50
650-463.0000.63008	6,321.50
650-463.0000.63400	1,653.34
650-463.0000.65005	794.91
650-463.0000.65080	131.24
650-463.0000.68010	364.86
650-463.0000.68025	988.96
650-463.0000.68360	940.00
650-466.0000.63006	1,199.98
650-466.0000.63330	549.97
650-466.0000.65005	2,919.61
650-466.0000.65080	270.18
650-466.0000.65081	719.26
650-466.0000.68021	562.83
650-468.0000.65005	601.11
650-468.0000.65080	73.35
650-468.0000.65081	1,979.90
650-468.0000.68360	260.00
650-468.0000.68380	1,294.66
Fund 650 Total:	26,386.47
651 - RECLAIMED WATER CAPITAL - WWTP	

651-463.3213.90015	934,351.87
651-463.6505.95520	100.05
Fund 651 Total:	934,451.92
652 - RECLAIMED WATER CAPITAL - COLLECTOR	
652-463.3214.95520	416,809.65
652-463.3234.95520	6,125.00
Fund 652 Total:	422,934.65
700 - SANITATION	
700-461.0000.65050	201.05
Fund 700 Total:	201.05
750 - WATER OPERATING	
750-462.0000.62010	1,332.23
750-462.0000.62060	1,079.28
750-462.0000.63280	2,927.42
750-462.0000.64030	2,570.02
750-462.0000.65004	123.30
750-462.0000.66012	26.82
750-462.0000.67090	570.37
750-462.0000.67170	114.05
750-462.0000.68025	3,099.75
750-462.0000.68360	826.89
750-462.0000.90040	22,950.87
750-462.3317.33610	385.00
Fund 750 Total:	36,006.00
Report Total:	2,352,369.08

ACCOUNTS PAYABLE HANDCHECK ACCOUNTABILITY FOR CHECK RUN 07.20.22

7/1/2022	72.62	88380	AT&T LongDistance	Pay Before Due Date	001-431.0000.65030
7/1/2022	134.98	88381	Charter Communications	Pay Before Due Date	001-443.0000.65030
7/1/2022	159.98	88382	Charter Communications	Pay Before Due Date	001-421.0000.65030
7/1/2022	169.98	88383	Charter Communications	Pay Before Due Date	001-443.0000.65030
7/1/2022	391.14	88384	Idaho State Tax Commission	Pay Before Due Date	001-22095
7/1/2022	43.27	88385	Kootenai Electric	Pay Before Due Date	001-443.0000.65021
7/1/2022	448.85	88386	Level 3 Communications	Pay Before Due Date	Various
7/1/2022	2414.94	88387	Level 3 Communications	Pay Before Due Date	Various
7/1/2022	50.05	88388	Prairie Transfer Station	Pay Before Due Date	700-461.0000.65050
7/1/2022	289.55	88389	Ziplay Fiber	Pay Before Due Date	001-421.0000.65030
7/8/2022	281.14	88391	Kootenai Electric	Pay Before Due Date	001-421.0000.65021
7/8/2022	650.00	88392	Matt Smith	Pay Before Due Date	023-446.1601.62040
7/8/2022	1.42	88393	Verizon Wireless	Pay Before Due Date	650-463.0000.65030
7/8/2022	190.22	88394	Verizon Wireless	Pay Before Due Date	001-443.0000.65030
7/8/2022	163.50	88395	Ziplay Fiber	Pay Before Due Date	001-421.0000.65030
7/11/2022	136.20	88396	Tully & Theresa DuPree	Pay Before Due Date	996
7/11/2022	130.73	88397	Craig Hunter	Pay Before Due Date	996
7/11/2022	35.81	88398	Stephen Brown	Pay Before Due Date	996
7/11/2022	1275.00	88399	Pamela Mitchell	Pay Before Due Date	996
7/11/2022	70.00	88400	Louanne Sauve	Pay Before Due Date	996
	\$7,109.38				

City of Post Falls
Cash and Investments
5/31/2022

Description	City's Balance
<u>Idaho State Investment Pool</u>	
LGIP Acct 1399	64,319,790.30
LGIP Accts 1401-2302	33,082,721.12
<u>First Financial Equity Corporation</u>	
General Accts Investments	22,391,420.15
Contingency Accts	5,762,414.26
<u>Moreton Capital Investments</u>	
Moreton Securities	14,145,205.83
<u>Mountain West bank</u>	
Repurchase Sweep Account	12,325,275.57
Checking Account	75,000.62
<u>Cash on Hand</u>	
Finance	400.00
Animal Control	150.00
Police	525.00
Recreation	185.00
Park	403.00
Planning and Zoning	150.00
Total	<u><u>\$ 152,103,640.85</u></u>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS



 Jason Faulkner, Finance Director, City of Post Falls, Idaho

City of Post Falls
Treasurer's Report of Cash and Investment Transactions
As Of 05/31/2022

FUND	BALANCE 04/30/2022	RECEIPTS	DISBURSEMENTS	BALANCE 05/31/2022
001 - GENERAL FUND	\$ 41,048,419.78	\$ 1,099,225.67	\$ 2,274,643.33	\$ 39,873,002.12
002 - COMPREHENSIVE LIABILITY	202,712.48	14,061.05	-	216,773.53
003 - PERSONNEL BENEFIT POOL	(286,201.06)	291,544.57	324,506.82	(319,163.31)
004 - STREET LIGHTS	128,314.47	23.83	-	128,338.30
007 - DRUG SEIZURE PROGRAM	165,214.11	1,506.29	12,263.22	154,457.18
008 - 911 SUPPORT	2,047,518.09	80,912.47	28,949.97	2,099,480.59
011 - FACILITY BUILDING RESERVE	1,917,035.64	29,528.16	-	1,946,563.80
017 - ANNEXATION FEES	3,339,581.14	28,296.27	4,166.67	3,363,710.74
023 - SPECIAL EVENTS	259,201.48	12,455.19	2,989.69	268,666.98
029 - CEMETERY CAPITAL IMPROVEMENT	284,324.56	16,680.90	-	301,005.46
035 - PUBLIC SAFETY IMPACT FEES	2,023,254.30	16,766.84	2,871.73	2,037,149.41
037 - STREETS IMPACT FEES	7,358,061.68	136,906.74	15,457.12	7,479,511.30
038 - PARKS IMPACT FEES	4,317,610.26	86,818.36	-	4,404,428.62
039 - STREETS CAPITAL PROJECTS	20,766.86	3.86	-	20,770.72
402 - LID 99-1	(30,979.88)	-	-	(30,979.88)
410 - LID 2004	(96,708.17)	87.67	-	(96,620.50)
450 - LID GUARANTEE	17,333.57	3.22	-	17,336.79
650 - RECLAIMED WATER OPERATING	37,891,465.00	1,463,424.86	400,903.42	38,953,986.44
651 - RECLAIMED WATER CAPITAL - WWTP	18,635,205.07	465,795.03	228,697.69	18,872,302.41
652 - RECLAIMED WATER CAPITAL - COLLECTOR	6,831,548.73	108,368.43	22,400.90	6,917,516.26
700 - SANITATION	1,078,809.55	323,795.20	336,412.61	1,066,192.14
750 - WATER OPERATING	19,653,854.73	273,227.36	250,701.52	19,676,380.57
753 - WATER CAPITAL	4,720,723.86	57,622.32	25,515.00	4,752,831.18
GRAND TOTAL:	\$ 151,527,066.25	\$ 4,507,054.29	\$ 3,930,479.69	\$ 152,103,640.85

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Jason Faulkner, Finance Director, City of Post Falls, Idaho

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 7/19/2022

DATE: 7/12/2022 3:23 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Gabourie Consent to Annex File No. ANNX-22-9

ITEM AND RECOMMENDED ACTION:

With the approval of the Consent Calendar, City Council authorizes the mayor's signature on the Consent to Annexation for the Gabourie Annexation.

DISCUSSION:

Mr. Gabourie is requesting to annex into the city in order to utilize city services as his septic is about to fail. The properties general location is just north of the Spokane River, west of W. Greensferry Rd. and along the south side of Rodkey Dr.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

N/A

APPROVED OR DIRECTION GIVEN:

N/A

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

CONSENT TO ANNEXATION AGREEMENT GABOURIE – 1904 E. RODKEY DRIVE

THIS AGREEMENT is made this ___ day of June, 2022, by and between the **City of Post Falls**, a municipal corporation organized and existing pursuant to the laws of the State of Idaho, with its principal place of business at 408 N. Spokane Street, Post Falls, ID, and **Fred W. Gabourie**, whose address is 1904 E. Rodkey Drive, Post Fall, ID 83854.

WHEREAS, Fred W. Gabourie (hereinafter the “Owner”) owns a tract(s) of land (hereinafter the “Property”) in the vicinity of the city limits of the City of Post Falls (hereinafter the “City”); and

WHEREAS, the Owner desires to annex the Property and obtain utility services; and

WHEREAS, the City is willing to annex the Property when appropriate;

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: PURPOSE AND DESCRIPTION OF PROPERTY

- 1.1. Purpose: Owner enters into this Agreement in order to obtain annexation of the Property and utility services from the City while the City seeks to obtain certainty regarding its future boundaries. The term “Owner” includes any successor in interest in the Property.
- 1.2. Description of the Property: The Property is located 1904 East Rodkey Drive and is more particularly described as Lot 13, Block A, Rodkey Subdivision.

ARTICLE II: CONSENT TO ANNEXATION

- 2.1. Consent to Annexation: Owner hereby requests annexation and consents, on behalf of the Owner and the Owner’s subsequent purchasers, heirs, and/or assigns, to the City annexing the Property at the time when the City determines that annexation of the Property is appropriate. The parties intend that this Agreement will serve as written consent to annexation as contemplated by Idaho Code 50-222(4) as it now exists or as it may be subsequently amended. Owner further agrees to submit an application formally requesting annexation and to connect to public utilities upon annexation.
- 2.2. Waiver of Annexation Fees: The City agrees to waive any annexation fees that the Owner might otherwise be required to pay to obtain annexation of the Property.
- 2.3. Other Fees: Owner agrees to pay all other fees related to the annexation or provision of utility services for the Property, including, but not limited to, cap fees, connection fees, and annexation application fees at the time of applying for annexation or connecting to utility services as specified in the City municipal code.

ARTICLE III. MISCELLANEOUS

- 3.1. Merger and Amendment: All promises and prior negotiations of the parties' merge into this Agreement and the representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements. The parties agree that this Agreement may only be amended by a written instrument that is signed by both parties. The parties agree that this Agreement will not be amended by a change in law.
- 3.2. Recordation: The Owner agrees this Agreement will be recorded by the City.
- 3.3. Incorporation of Recitals and Exhibits: The recitals to this Agreement and all exhibits referred to in this Agreement are incorporated herein by this reference and made a part of this Agreement.
- 3.4. Covenants Run with the Land: The covenants contained herein to be performed by the Owner are binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land.
- 3.5. Promise of Cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement and if the parties cannot amicably resolve the disagreement, retain a mediator, acceptable to both parties, to mediate a solution to the disagreement.
- 3.6. Severability: Should any provision of this Agreement be declared invalid by a court of competent jurisdiction the remaining provisions continue in full force and effect and must be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.
- 3.7. Enforcement - Attorney's Fees: Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party will be entitled to its reasonable attorney's fees and related costs of enforcement.

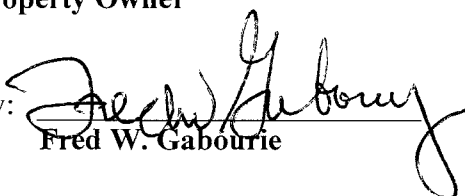
City of Post Falls

By: _____
Ronald G. Jacobson, Mayor

Attest:

Shannon Howard, City Clerk

Property Owner

By: 
Fred W. Gabourie

ACKNOWLEDGEMENTS

STATE OF IDAHO)
 : ss
County of Kootenai)

On this _____ day of _____, 20____, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson and Shannon Howard** known, or identified to me to be the **Mayor** and **City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
 :ss
County of Kootenai)

On this 8th day of July, 2022, before me, a Notary for the State of Idaho, personally appeared **Fred W. Gabourie**, known, or identified to me to be the person(s) whose name is subscribed to within the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.



[Signature]
Notary Public for the State of Idaho
Residing at: Kootenai
Commission Expires: 10/01/2024

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 7/19/2022

DATE: 7/12/2022 3:11 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Mongeau Meadows Annexation Reasoned Decision File No. ANNX-0003-2022

ITEM AND RECOMMENDED ACTION:

With approval of the Consent Calendar, City Council authorizes the mayor's signature on the Reasoned Decision for the Mongeau Meadows Annexation.

DISCUSSION:

The applicant(s) (Wild Horse Investments, LLC) has requested to annex approximately 3.91 acres into the City of Post Falls, of which a portion will be Rights Of Way and Easement for 16th Ave. with the remaining balance of land to receive the zoning designation of Single Family Residential (R-1). The properties are generally located on the south side of 16th Ave east of Quail Run Blvd.

On May 10, 2022, a public hearing was held before the Planning & Zoning Commission. After receiving testimony and hearing the staff report, the Commission moved to recommend approval of the requested annexation with the Single Family Residential (R-1) zoning designation. The City Council held a public hearing and approved the requested annexation with the Single Family Residential (R-1) zone on June 21, 2022.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approved

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

**Mongeau Meadows Annexation
File No. ANNX-0003-2022**

City Council

Reasoned Decision

A. INTRODUCTION:

APPLICANT: Whipple Consulting Engineers

LOCATION: Generally located on the south side of 16th Ave. east of Quail Run Blvd.

REQUEST: Zoning recommendation of Single-Family Residential (R1) of approximately 3.91 acres AS DEPICTED IN EXHIBIT S-2.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-4 Exhibit Map
4. A-9 Will Serve
5. A-10 Auth Letter
6. S-1 Vicinity Map
7. S-2 Zoning Map
8. S-3 Future Land Use Map
9. PA-1 KCFR Comments
10. PA-2 PFPD Comments
11. PA-3 PFHD Comments
12. PA-4 DEQ Comments
13. S-5 PZ Staff Report
14. S-4 Annexation Development Agreement
15. S-6 Signed Meeting Minutes 5-10-2022
16. S-7 Signed Zoning Recommendation
17. PA-5 PFHD Comments
18. Testimony at the June 21, 2022 City Council hearing including:

Ethan Porter, Associate Planner

Mr. Porter presented the staff report. He testified that the applicant was seeking initial zoning of Single-Family Residential (R-1) on 3.91 acres upon the annexation into the City of Post Falls. He explained that the property is located south of 16th Ave. near Quail Run Blvd within an unannexed pocket making the request an infill request.

Mr. Porter testified that the site is currently is large lot residential in the county with no significant topology or vegetation and is above the Rathdrum Prairie aquafer. He stated that water and wastewater will be provided by the city of Post Falls.

Mr. Porter testified that the properties within the city in this area are zoned R-1. The Future Land Use Map designates the area for Low-Density Residential growth. The R-1 zoning district is an implementing zoning district for the Low-Density Residential designation. Additionally, the property is within the Central Island focus area, which promotes infill development and annexation. He noted

that Comprehensive Plan Policy #8 encourages compatible infill development among others. He testified that the property has frontage on 16th Avenue, which is a Major Collector and the road will have capacity to meet traffic needs for the property if developed in the R-1 zone. He noted that property is not located near any of the higher activity commercial areas in the City.

Ray Kimball, Whipple Consulting Engineers, Applicant

Mr. Kimball testified that this property in designated Low Density Residential on the Future Land Use Map and is in the Central Island focus area, which is consistent with the requested R-1 zone. He also testified that the R-1 zone is consistent with the zoning in the City to the north across 16th Avenue. He testified that this annexation would help to begin closing this pocket of county properties by extending sewer lines. He testified that this is compatible with the street classification; 16th is a Major Collector with a local street being created to connect north and south and to the west. Mr. Kimball testified that this proposal is about ½ mile away from commercial zoning, it is consistent with the Future Land Use Map as low density residential and meets many of the goals and policies found within the Comprehensive Plan.

C. EVALUATION OF APPROVAL CRITERIA FOR INITIAL ZONING:

C1. Amendments to the zoning map should be in accordance with the Future Land Use Map.

The applicant has requested zoning of Single-Family Residential (R-1) on 3.91 acres as part of the annexation into the City of Post Falls. The Future Land Use Map designates this area as Low-density Residential within the Central Island focus area.

The City Council finds that the Single-Family Residential (R-1) zoning district is an implementing zoning district for the Low-Density Residential designation and as such, the request is consistent with the Future Land Use Map based on the staff report and the testimony of Ray Kimball.

The proposed zone is also within the Central Island focus area, which encourages infill annexation and development, which is consistent with the applicant's request. There was no evidence to the contrary received, as such the Council finds that this criterion has been met.

C2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.

Based on the applicant's narrative, testimony of Ethan Porter and Ray Kimball and the analysis provided in the staff report, the Council finds the requested zoning is consistent with the goals and policies contained in the comprehensive plan. Specifically, Policy 8, which encourages compatible infill development. The Council notes that the property is within an unannexed pocky completely surrounded by the City limits leaving the property under-utilized and an area for redevelopment.

C3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Streets/Traffic:

Based on the staff report and the testimony of Ethan Porter, the Council finds that the property has frontage on 16th Ave, a Major Collector, which is designed to accommodate traffic volumes of 4,000 - 12,000 vehicles per day. In 2035 the projected volumes along this section of roadway are approximately 2,200 vehicles per day. Based on that, the Council finds that the request is consistent with both street classifications and traffic patterns in the area. There was no evidence to the contrary received.

Water and Sanitary Sewer:

The staff report indicates that water service is provided by the City of Post Falls with an existing 6" main in 16th Ave. Sanitary sewer service is being provided by the City of Post Falls. Sanitary Sewer currently exists at the intersection of 16th Avenue / Jag St. and would need to be extended to the site. The property requesting annexation and zoning is identified in the City of Post Falls Water and Water Reclamation Master Plan as being serviced by the referenced mains. Based on the staff report, the Council finds that the requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

The Council also finds that the City's Water and Water Reclamation Systems have the capacity to provide service and the City is willing to serve to the property at the requested density. The proposed zoning is compatible with the land uses anticipated within the City's Master Plans. No evidence to the contrary was received.

Compatibility with Existing Development and Future Uses:

Based on the testimony of Ray Kimball and Ethan Porter, the Council finds that the property is located in an area of single family residential uses within the City that are zoned R-1. As such, the applicant's request for R-1 zoning is consistent with existing development within the City. As noted above, the requested zone is also consistent with the Future Land Use Map, which guides future land uses. As such, the City Council finds that the requested zoning is consistent with both the existing and future land uses in the area. There was no testimony or other evidence received to the contrary.

Geographic/Natural Features:

The staff report indicates that the property contains no geographic or other natural features that would affect development of the site. There was no evidence to the contrary, as such the Council finds that the proposed zoning is consistent with the geographic and natural features of the site.

C4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

The Council finds that this criterion is not applicable to the request, this area is suitable for medium to lower residential densities per the Comprehensive Plan.

C5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Based on the testimony of Ray Kimball, the City Council finds that the property is located a half mile away for the nearest higher intensity urban activity center. As such, the requested R-1 zone, which is a lower density residential zone, is consistent with this criterion. There was no evidence to the contrary received.

C6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

The Council finds this criterion inapplicable as there are no industrial uses or industrial zoned properties within the area.

D. CONCLUSIONS AND DECISION OF THE COUNCIL:

ANNX-0003-2022, INITIAL ZONING: Based on the record developed during the public hearing process and the recommendation of the Planning and Zoning Commission, the City Council hereby finds that the applicant's request for R-1 zoning is approved upon successful annexation of the property.

_____ Date

_____ Mayor

_____ Attest

NOTICE OF RIGHTS:

Any affected person aggrieved by a final decision of the Planning and Zoning Commission may submit a written notice of appeal along with the required fees in accordance with the City's adopted fee schedule, to the City Clerk for appeal to the Post Falls City Council within fourteen (14) days of the date of the written decision, pursuant to Post Falls City Code 18.20.60.E

The final decision of the Planning and Zoning Commission is not a final decision for purposes of judicial review until the City Council has issued a final decision on appeal and the party seeking judicial review has requested reconsideration of that final decision as provided by Idaho Code 67-6535(2)(b), pursuant to Post Falls City Code 18.20.60.E.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section 67-6535 must first seek reconsideration of the final decision within fourteen (14) days of such decision. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section 67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code Section 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

**CITY OF POST FALLS
AGENDA REPORT
CONSENT AGENDA
MEETING DATE: FEBRUARY 1ST, 2022**

DATE: July 11, 2022
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROBERT S. PALUS, PE – ASSISTANT CITY ENGINEER
SUBJECT: RIGHTS-OF-WAY AND EASEMENTS – CECIL ROAD EXTENSION

ITEM AND RECOMMENDED ACTION: With approval of the Consent Agenda, City Council authorizes the Mayor's signature to accept dedication of rights-of-way and easements to the City, associated with the extension of Cecil Road north from Prairie Avenue.

DISCUSSION: Beyond Green Inc. and Harlan Douglass have an agreement to provide for the extension of utilities along Prairie Avenue and extension of utilities and roadway improvements along Cecil Road. These improvements are necessary to facilitate the development of portions of the Tech Park Properties located in the northwest quadrant of SH41 / Prairie Avenue. As improvements will be constructed on multiple properties, the City is requiring necessary rights-of-way and easements to be secured prior to construction. Acquisition of rights-of-way and easements will allow for the construction of sanitary sewer from Charleville Road to Cecil Road (1/2 mile) and the extension of sanitary sewer (City), water (Ross Point Water) and roadway (City - Cecil Road) from Prairie Avenue northerly 1/2 mile. Staff has reviewed the dedications relative to the conditionally approved construction plans and adopted roadway classifications. Construction of improvements will be able to commence upon execution of a Construction Improvement Agreement (CIA) and acquisition of these associated grants of rights-of-way and easement.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: N/A

APPROVED OR DIRECTION GIVEN: N/A

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: None at this time. City would assume ownership and maintenance of sanitary sewer and roadway improvements upon completion of construction and acceptance of improvements meeting City Standards.

BUDGET CODE: N/A

SUPPORTING DOCUMENTS: A copy of the easements are attached.

GRANT OF EASEMENT

Cecil Rd

KNOWN ALL MEN BY THESE PRESENTS, that Beyond Green, Inc, 909 W 1st Ave, #B, Spokane, WA, 99201, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, in hand paid by the City of Post Falls, Kootenai County, State of Idaho, the receipt of which is hereby acknowledged, do hereby grant, quitclaim and convey unto the said City of Post Falls, 408 Spokane Street, Post Falls, Idaho 83854 a municipal corporation, Kootenai County, State of Idaho, the Grantee, a right-of-way for the construction, improvement, operation and maintenance of a public roadway, allowing also placement and maintenance of pipelines for water and sewer, and such other surface and underground utility lines as may be necessary, upon and across the following described property, to wit:

A STRIP OF LAND 10.00 FEET IN WIDTH BEING THE WEST 10.00 FEET OF THE EAST 52.50 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH 256.20 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24.

SAID STRIP OF LAND CONTAINING 0.360 ACRES, MORE OR LESS.

As depicted in the attached Exhibit B

TO HAVE AND TO HOLD said easement for public sewer, sidewalk, storm water drainage, and utilities, so long as the same shall be used, operated, and maintained as such. The Grantor herein expressly limits the grant and quitclaim of this easement to its respective interest, and that of its successors, in that parcel of land over, under, upon and across which said easement lies.

IN WITNESS WHEREOF the Grantors have caused this instrument to be executed this 8th day of July, 2022.

GRANTOR

BEYOND GREEN, INC

By: *Gerald V. Dicker*
Gerald V. Dicker, President

CITY OF POST FALLS

By: _____
Ronald G. Jacobson, Mayor

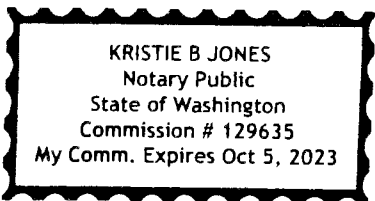
Attest: _____
Shannon Howard, City Clerk

ACKNOWLEDGMENTS

STATE OF IDAHO)
 :SS
County of Kootenai)

On this 30th day of July, 2022, before me, a notary for the State of Idaho, personally appeared *Gerald V. Dicker*, known to me or identified to me to be the person subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.



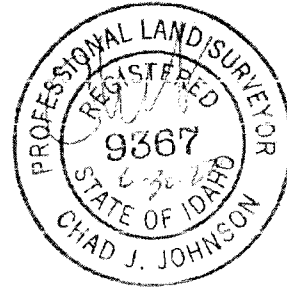
Kristie B Jones
Notary Public for the State of Idaho
Residing at: 500 W. Main
My Commission Expires: 10-5-23

STATE OF IDAHO)
 :SS
County of Kootenai)

On this ____ day of _____, 2022, before me, a notary for the State of Idaho, personally appeared *Ronald G. Jacobson and Shannon Howard*, known to me or identified to me to be the person(s) subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
My Commission Expires: _____



NE 1/4
SW 1/4
SEC 24

SE 1/4
SEC 24

42.50'
RIGHT-OF-WAY
OF NORTH CECIL ROAD
AREA = 1.529 AC

W 1/2

E 1/2

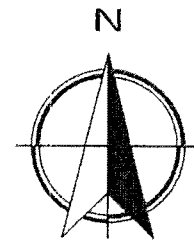
10.00'
SIDEWALK, DRAINAGE, AND
UTILITY EASEMENT
AREA = 0.360 AC

SE 1/4
SW 1/4
SEC 24

256.20

W 1/2

E 1/2



H-Scale 1" = 200'



EXHIBIT B

SECTION 24, TOWNSHIP 51 NORTH, RANGE 5 WEST,
BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO

Johnson
Surveying

DATE SURVEYED: AUGUST 2021

DRAFTED BY: ERH

PLOT DATE: 06/30/2022

SHEET

P.O. Box 2544 Post Falls, ID 83877
208-660-2351

FILE NAME: 21-229

CHECKED BY: CJJ

PROJECT No.: 21-229

1 / 1

johnsonsurveyingnw.com

GRANT OF RIGHT-OF-WAY

Cecil Rd

KNOWN ALL MEN BY THESE PRESENTS, that Beyond Green, Inc, 909 W 1st Ave, #B, Spokane, WA, 99201, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, in hand paid by the City of Post Falls, Kootenai County, State of Idaho, the receipt of which is hereby acknowledged, do hereby grant, quitclaim and convey unto the said City of Post Falls, 408 Spokane Street, Post Falls, Idaho 83854 a municipal corporation, Kootenai County, State of Idaho, the Grantee, a right-of-way for the construction, improvement, operation and maintenance of a public roadway, allowing also placement and maintenance of pipelines for water and sewer, and such other surface and underground utility lines as may be necessary, upon and across the following described property, to wit:

A STRIP OF LAND 42.50 FEET IN WIDTH LYING WITHIN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 42.50 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH 256.20 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24.

SAID STRIP OF LAND CONTAINING 1.529 ACRES, MORE OR LESS.

As depicted in the attached Exhibit B

TO HAVE AND TO HOLD such right-of-way for public purposes, the Grantor does hereby dedicate all interest in said strip of land to public use for such purposes.

IN WITNESS WHEREOF the Grantors have caused this instrument to be executed this 8th day of July, 2022.

GRANTOR

BEYOND GREEN, INC

By: *Gerald V. Dicker*
Gerald V. Dicker, President

CITY OF POST FALLS

By: _____
Ronald G. Jacobson, Mayor

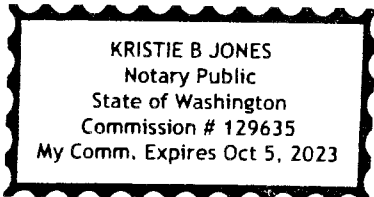
Attest: _____
Shannon Howard, City Clerk

ACKNOWLEDGMENTS

STATE OF IDAHO)
 :SS
County of Kootenai)

On this 8th day of July, 2022, before me, a notary for the State of Idaho, personally appeared *Gerald V. Dicker*, known to me or identified to me to be the person subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.



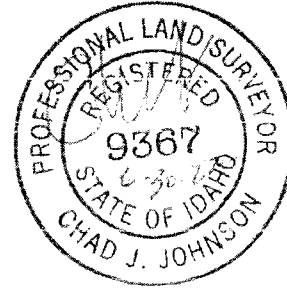
Kristie B Jones
Notary Public for the State of Idaho
Residing at: Spokane
My Commission Expires: 10-5-23

STATE OF IDAHO)
 :SS
 County of Kootenai)

On this ___ day of _____, 2022, before me, a notary for the State of Idaho, personally appeared *Ronald G. Jacobson and Shannon Howard*, known to me or identified to me to be the person(s) subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.

 Notary Public for the State of Idaho
 Residing at: _____
 My Commission Expires: _____



NE 1/4
SW 1/4
SEC 24

SE 1/4
SEC 24

42.50'
RIGHT-OF-WAY
OF NORTH CECIL ROAD
AREA = 1.529 AC

W 1/2

E 1/2

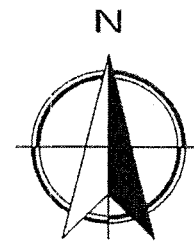
10.00'
SIDEWALK, DRAINAGE, AND
UTILITY EASEMENT
AREA = 0.360 AC

SE 1/4
SW 1/4
SEC 24

256.20

W 1/2

E 1/2



H-Scale 1" = 200'



EXHIBIT B

SECTION 24, TOWNSHIP 51 NORTH, RANGE 5 WEST,
BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO

Johnson
Surveying

DATE SURVEYED: AUGUST 2021

DRAFTED BY: ERH

PLOT DATE: 06/30/2022

SHEET

P.O. Box 2544 Post Falls, ID 83877
208-660-2351

FILE NAME: 21-229

CHECKED BY: CJJ

PROJECT No.: 21-229

1/1

johnsonsurveyingnw.com

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 7/19/2022

DATE: 7/12/2022 3:12 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: School District Zone Change Reasoned Decision File No. ZC-22-4

ITEM AND RECOMMENDED ACTION:

With approval of the Consent Calendar, City Council authorizes the mayor's signature on the Reasoned Decision for the School District Zone Change.

DISCUSSION:

The City of Post Falls has requested a Zoning Map Amendment (Zone Change) of approximately 3 school sites from Single-Family Residential (R1) to Public Reserve (PR). The property is generally located in the following areas: between Greensferry Rd and Cecil Rd., south of Poleline Ave. and between Post and Bill St. between 15th and 20th Ave. and between Pine St. and Stagecoach Dr. from 15th to 20th Ave.

On May 25, 2022, a public hearing was held before the Planning & Zoning Commission. After receiving testimony and hearing the staff report, the Commission moved to recommend approval of the requested zone change. The City Council held a public hearing and approved the requested zone change on June 21, 2022.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approved

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

**School District Zone Change
File No. ZC-22-4
City Council
Reasoned Decision**

A. INTRODUCTION:

APPLICANT: The City of Post Falls Planning Division

LOCATION: Generally located in the following areas: between Greensferry Rd and Cecil Rd., south of Poleline Ave. and between Post and Bill St. between 15th and 20th Ave. and between Pine St. and Stagecoach Dr. from 15th to 20th Ave.

REQUEST: Rezone approximately 3 school sites from Single-Family Residential (R1) to Public Reserve (PR).

B. RECORD CREATED:

1. S-1 Zoning Map
2. S-2 Future Land Use Map
3. PA-1 PFPD Comments
4. PA-2 KCFR Comments
5. PA-3 DEQ Comments
6. S-3 P&Z Staff Report
7. S-4 Signed Minutes 5-25-2022
8. S-5 Signed Zoning Recommendation
9. Testimony at the public hearing on June 21, 2022, including:

Jon Manley, Planning Manager

Mr. Manley presented the staff report and testified that the City recently created a Public Reserve zoning district for large publicly owned properties in the City. The City is proposing to rezone three public school sites that meet the 20 acre minimum size for low density residential (R-1) to Public Reserve. He noted that under the City Code, the Public Reserve zone is compatible with all land use designations within the Comprehensive Plan. He noted that each site is already developed with public schools so there are no changes in land use planned. He noted that the change will provide flexibility for the school district when planning changes to their schools because schools require a special use permit within the R-1 zone and that would no longer be required.

C. EVALUATION OF ZONE CHANGE APPROVAL/REVIEW CRITERIA:

C1. Amendments to the zoning map should be in accordance with the Future Land Use Map.

Based on the testimony provided by John Manley and the staff report, City Code indicates that the Public Reserve zone is compatible with all land use designations within the Comprehensive Plan. As such, the City Council finds that the requested change is consistent with the Future Land Use map. There was no evidence to the contrary.

C2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.

Based on the testimony from John Manley and the staff report the City Council finds that the proposed zone change is consistent with Goal 7 contained within the Comprehensive Plan in that the zone change will help provide for the types of land uses needed to support community needs by ensuring that adequate public school facilities can be constructed and altered with less administrative costs.

C3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Streets/Traffic:

The Council finds this part of the criterion inapplicable to this request because the sites are already appropriately developed with public schools and there will be no changes in the use impacting streets or traffic.

Water and Sanitary Sewer:

The Council finds this part of the criterion inapplicable to this request because the sites are already appropriately developed with public schools who are using public water and wastewater systems. There will be no changes in the use impacting water or sanitary sewer systems.

Compatibility with Existing Development and Future Uses:

The Council finds this part of the criterion is largely inapplicable to this request because the sites are already appropriately developed with public schools that are compatible with existing uses in the area. The proposed change is technical in nature only.

Future Land Use Designation & Community Plans:

As noted above, the Public Reserve Zone is consistent with all future land use designations in the Comprehensive Plan.

Geographic/Natural Features:

The Council finds this part of the criterion inapplicable to this request because the sites are already appropriately developed with public schools who are using public water and

wastewater systems. There will be no changes in the use impacting geographic or natural features of the sites.

C4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

The Council finds this criterion inapplicable to the request, as the request is for a public school use rather than commercial or residential uses.

C5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

The Council finds this criterion inapplicable to the request, as the request is for a public school use rather than commercial or residential uses.

C6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

The Council finds this criterion inapplicable to the request, as the request is for a public school use rather than industrial uses.

D. DECISION OF THE CITY COUNCIL:

ZC 22-4: Based on the record developed during the public hearing process and the recommendation of the Planning and Zoning Commission, the City Council hereby approves the requested rezone for the subject properties from R-1 to Public Reserve.

Date

Mayor

Attest

NOTICE OF RIGHTS:

Any affected person aggrieved by a final decision of the Planning and Zoning Commission may submit a written notice of appeal along with the required fees in accordance with the City's adopted fee schedule, to the City Clerk for appeal to the Post Falls City Council within fourteen (14) days of the date of the written decision, pursuant to Post Falls City Code 18.20.60.E

The final decision of the Planning and Zoning Commission is not a final decision for purposes of judicial review until the City Council has issued a final decision on appeal and the party seeking judicial review has requested reconsideration of that final decision as provided by Idaho Code 67-6535(2)(b), pursuant to Post Falls City Code 18.20.60.E.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section 67-6535 must first seek reconsideration of the final decision within fourteen (14) days of such decision. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section 67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code Section 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

**CITY OF POST FALLS
AGENDA REPORT
CONSENT AGENDA
MEETING DATE: JULY 19, 2021**

DATE: JULY 12, 2021
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: BILL MELVIN, CITY ENGINEER
SUBJECT: STOCKWELL COURT SUBDIVISION CONSTRUCTION IMPROVEMENT AGREEMENT

ITEM AND RECOMMENDED ACTION: With approval of the Consent Agenda, City Council authorizes the Mayor to sign the Construction Improvement Agreement for the subject subdivision.

DISCUSSION: This Agreement reflects the construction phase of the Stockwell Court Subdivision. The Agreement sets forth the typical expectations of the Developer of the subdivision, and sets forth the responsibilities of the Developer and the City of Post Falls. This is an 18-lot subdivision, with the application for plat submitted by Stockwell Partners 2022, LLC.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: N/A

APPROVED OR DIRECTION GIVEN: N/A

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: N/A

BUDGET CODE: N/A

SUPPORTING DOCUMENTS: A copy of the Construction Improvement Agreement is available in the Community Development office for review.

**CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 7/19/2022**

DATE: 7/12/2022 3:09 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Bryan Myers
SUBJECT: Surplus of 2014 36" Grandstand Mower

ITEM AND RECOMMENDED ACTION:

The Parks and Recreation Department recommends the surplus and disposal of a 2014 Grandstand Mower and subsequent donation of this equipment to the City of Coeur d' Alene Parks & Recreation Department.

DISCUSSION:

The Parks and Recreation Department relies on various equipment for the operation of its parks system. The Department with the coordination of the Public Works Fleet Division and Finance Department has established a Equipment Replacement plan to ensure the continued service to the Citizens of Post Falls and maximize return on this investment. The City Purchasing Policy allows with approval from the City council and the Mayor items of greater than nominal value to be donated to 501 (c) (3) and 501 (c) (19) charitable organizations or other local governments. The Fleet Manager has reviewed this disposal and is in support of the surplus of this unit at the end of economic useful life.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

N/A

APPROVED OR DIRECTION GIVEN:

N/A

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

CITY OF POST FALLS

FIXED ASSET DISPOSAL

DEPT. NAME Parks DEPT.# 443 DATE: _____
OF DISPOSAL

CATEGORY OF ASSET:

- LAND
- BUILDING
- MACHINERY & EQUIPMENT
- VEHICLE (Enter Mileage) _____
- OTHER IMPROVEMENTS _____

CONTROLLABLE ASSETS (UNDER \$5,000 COST)

- MACHINERY & EQUIPMENT
- OTHER _____

ASSET DESCRIPTION **AND** EXPLANATION FOR DISPOSAL: Toro Grandstand 36"Stand
up Mower. The mowers are no longer useful to the City of Post Falls and have
been replaced using the Equipment Replacement Plan.

TAG# 4144 SERIAL # 314000131 MODEL# Grandstand 36"

REASON FOR DISPOSAL (MANDATORY):

- ABANDONED IN PLACE
- DESTROYED / DISPOSED
- SOLD AT AUCTION SELLING PRICE _____
- SOLD SELLING PRICE _____
- TRADED IN CASH VALUE/TRADE IN _____


OTHER: Donated to the City of Coeur d'Alene Parks and Recreation Department

- LOST
Please attach police report
- STOLEN
Please attach police report

REPLACED YES . - NO _____
USEFUL LIFE OF ASSET INCREASED YES - - NO - -

ESTIMATED REMAINING USEFUL LIFE 8 years

AUTHORIZED SIGNATURE


ASSET MANAGER SIGNATURE

(PLEASE ATTACH FIXED ASSET ACQUISITION FORM)

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 7/19/2022

DATE: 7/12/2022 3:08 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Bryan Myers
SUBJECT: Surplus of 2014 Zero Turn Mower

ITEM AND RECOMMENDED ACTION:

The Parks and Recreation Department recommends the surplus and disposal of a 2014 Toro Zero Turn Mower and subsequent transfer of this equipment to Kootenai County Parks and Waterways.

DISCUSSION:

The Parks and Recreation Department relies on various equipment for the operation of its parks system. The Department with the coordination of the Public Works Fleet Division and Finance Department has established a Equipment Replacement plan to ensure the continued service to the Citizens of Post Falls and maximize return on this investment. The City Purchasing Policy allows with approval from the City council and the Mayor items of greater than nominal value to be donated to 501 (c) (3) and 501 (c) (19) charitable organizations or other local governments. The Fleet Manager has reviewed this disposal and is in support of the surplus of this unit at the end of economic useful life.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

N/A

APPROVED OR DIRECTION GIVEN:

N/A

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

CITY OF POST FALLS

FIXED ASSET DISPOSAL

DEPT. NAME Parks DEPT.# 443 DATE: _____
OF DISPOSAL

CATEGORY OF ASSET:

- LAND
- BUILDING
- MACHINERY & EQUIPMENT
- VEHICLE (Enter Mileage) _____
- OTHER IMPROVEMENTS _____

CONTROLLABLE ASSETS (UNDER \$5,000 COST)

- MACHINERY & EQUIPMENT
- OTHER _____

ASSET DESCRIPTION AND EXPLANATION FOR DISPOSAL: Toro Z-Master 72" Mower

The mower is no longer useful to the City of Post Falls and have
been replaced using the Equipment Replacement Plan.

TAG# 4143 SERIAL # 314000255 MODEL# Z-Master

REASON FOR DISPOSAL (MANDATORY):

- ABANDONED IN PLACE
- DESTROYED / DISPOSED
- SOLD AT AUCTION SELLING PRICE _____
- SOLD SELLING PRICE _____
- TRADED IN CASH VALUE/TRADE IN _____


OTHER: Donated to the Kootenai County Parks and Waterways.

- LOST
Please attach police report
- STOLEN
Please attach police report

REPLACED YES _____ NO _____
USEFUL LIFE OF ASSET INCREASED YES _____ NO _____

ESTIMATED REMAINING USEFUL LIFE 8 years

AUTHORIZED SIGNATURE


ASSET MANAGER SIGNATURE

(PLEASE ATTACH FIXED ASSET ACQUISITION FORM)

CITY OF POST FALLS
AGENDA REPORT
Public Hearings
MEETING DATE: 7/19/2022

DATE: 7/13/2022 11:08 AM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Douglass Properties Annexation and Development Agreement File No. ANNX-0002-2022

ITEM AND RECOMMENDED ACTION:

Whipple Consulting Engineers, Inc. has requested approval on behalf of the property owner, Douglass Properties LLC, to annex approximately 9.63 acres into the City of Post Falls with the zoning request of Community Commercial Services (See P&Z staff report and zoning recommendation, Exhibit S-5, and S-7).

DISCUSSION:

The City Council must conduct a public hearing and review the proposed annexation proposal based on the recommendation for the Community Commercial Services (CCS) zoning district by the Planning and Zoning Commission at their May 10, 2022, meeting. Their recommendation of zoning was determined to meet the following zone change criteria contained in Post Falls Municipal Code Section 18.16.010 and 18.20.100. The approval criteria for establishing zoning are:

- A. Amendments to the zoning map should be in accordance with the zoning map.
- B. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.
- C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
- D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
- E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
- F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

In review for establishing zoning, a Comprehensive Plan analysis was completed within the P&Z Staff Report (Exhibit S-5) and may be utilized in determining whether the property should be annexed. Generally, the City Council can determine whether an annexation request is appropriate based on their best judgement. Ideally, the Council would base that decision on planning principles such as whether the annexation is a logical extension of the city, whether it reduces a county pocket, consistent with policies in the Comp Plan and whether extension of public infrastructure is feasible etc.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

N/A

APPROVED OR DIRECTION GIVEN:

The Planning and Zoning Commission made a recommendation for the proposed Community Commercial Services (CCS) zoning district at their May 10, 2022, meeting as part of the annexation request.

City Council may approve the proposed annexation and items for inclusion in an annexation agreement, may approve with modifications, or deny the annexation request. Should the City Council need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a date certain. If the City Council has heard sufficient testimony but need additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a date certain.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

**CITY OF POST FALLS
AGENDA REPORT
PUBLIC HEARING
MEETING DATE: June 19, 2022**

DATE: July 13, 2022
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Ethan Porter, Associate Planner
eporter@postfallsidaho.org / 208-457-3353
SUBJECT: DOUGLASS PROPERTIES ANNEXATION FILE NO. ANNX-0002-2022

ITEM AND RECOMMENDED ACTION:

Whipple Consulting Engineers, Inc. has requested approval on behalf of the property owner, Douglass Properties LLC, to annex approximately 9.63 acres into the City of Post Falls with the zoning request of Community Commercial Services (See P&Z staff report and zoning recommendation, Exhibit S-5, and S-7).

DISCUSSION:

The City Council must conduct a public hearing and review the proposed annexation proposal based on the recommendation for the Community Commercial Services (CCS) zoning district by the Planning and Zoning Commission at their May 10, 2022, meeting. Their recommendation of zoning was determined to meet the following zone change criteria contained in Post Falls Municipal Code Section 18.16.010 and 18.20.100. The approval criteria for establishing zoning are:

- A.* Amendments to the zoning map should be in accordance with the zoning map.
- B.* Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.
- C.* Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
- D.* Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
- E.* Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
- F.* Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

In review for establishing zoning, a Comprehensive Plan analysis was completed within the P&Z Staff Report (Exhibit S-5) and may be utilized in determining whether the property should be annexed.

Generally, the City Council can determine whether an annexation request is appropriate based on their best judgement. Ideally, the Council would base that decision on planning principles such as whether the annexation is a logical extension of the city, whether it reduces a county pocket, consistent with policies in the Comp Plan and whether extension of public infrastructure is feasible etc.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: N/A

APPROVED OR DIRECTION GIVEN: The Planning and Zoning Commission made a recommendation for the proposed Community Commercial Services (CCS) zoning district at their May 10, 2022, meeting as part of the annexation request.

MOTION OPTIONS FOR ESTABLISHING ZONING: City Council may approve the proposed annexation and items for inclusion in an annexation agreement, may approve with modifications, or deny the annexation request. Should the City Council need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a date certain. If the City Council has heard sufficient testimony but need additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a date certain.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: N/A

BUDGET CODE: N/A

SUPPORTING DOCUMENTS:

STAFF EXHIBITS:

- Exhibit S-5 Planning and Zoning Commission Staff Report
- Exhibit A-1 Application
- Exhibit A-2 Narrative
- Exhibit A-4 Map
- Exhibit A-5 Will Serve
- Exhibit A-6 Title Report
- Exhibit A-8 Auth Letter
- Exhibit S-1 Vicinity Map
- Exhibit S-2 Zoning Map
- Exhibit S-3 Future Land Use map
- Exhibit PA-1 KCFR Comments
- Exhibit PA-2 PFPD Comments
- Exhibit PA-3 PFHD Comments
- Exhibit PC-1 Burns Comments
- Exhibit S-4 Signed Development Agreement
- Exhibit S-6 Signed Minutes 5-10-2022
- Exhibit S-7 Signed Zoning Recommendation
- Exhibit PA-4 KCFR Comments
- Exhibit PA-5 PFSD Comments
- Exhibit PA-6 PFHD Comments
- Exhibit PC-2 Reuter Comments

**CITY OF POST FALLS
STAFF REPORT**

DATE: MAY 6, 2022

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: ETHAN PORTER, ASSOCIATE PLANNER • eporter@postfallsidaho.org • 208-457-3353

SUBJECT: STAFF REPORT FOR THE MAY 10, 2022, P&Z COMMISSION MEETING
DOUGLASS PROPERTIES ANNEXATION / ANNX-0002-2022

INTRODUCTION:

The Planning and Zoning Commission reviews the zoning requested at the time an annexation is sought to determine if it is consistent with the adopted review criteria. The Commission provides a recommendation on zoning for the City Council's consideration if the Council determines that the property should be annexed. **The Planning and Zoning Commission does not make a decision or a recommendation on annexation.**

Whipple Consulting Engineers, Inc. has requested approval on behalf of the property owner, Douglass Properties LLC, to annex approximately 9.63 acres into the City of Post Falls with a zoning designation Community Commercial Services (CCS) (Exhibit A-1). The Planning & Zoning Commission must conduct a public hearing and determine if the requested zone change meets the approval criteria contained in Municipal Code Section 18.16.010 and 18.20.100. Following the public hearing, the Planning Commission will direct staff to prepare a Reasoned Decision, along with any appropriate conditions, that explains how the approval criteria are/are not met. The Planning Commission will review and approve the final Reasoned Decision at a subsequent meeting and will forward its recommendation to the City Council who will determine if the property should be annexed and, if so, make a final determination on the appropriate initial zoning. The approval criteria are:

- A. Amendments to the zoning map should be in accordance with the Future Land Use Map.
- B. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
- C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
- D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
- E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
- F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

PROJECT INFORMATION:

Project Name / File Number: Douglass Properties Annexation / File No. ANNX-0002-2022

Owner(s): Douglass Properties LLC, 1402 Magnesium Rd., Spokane, WA 99217

Applicant: Whipple Consulting Engineers, Inc, 21 S Pines Rd., Spokane Valley, WA 99206

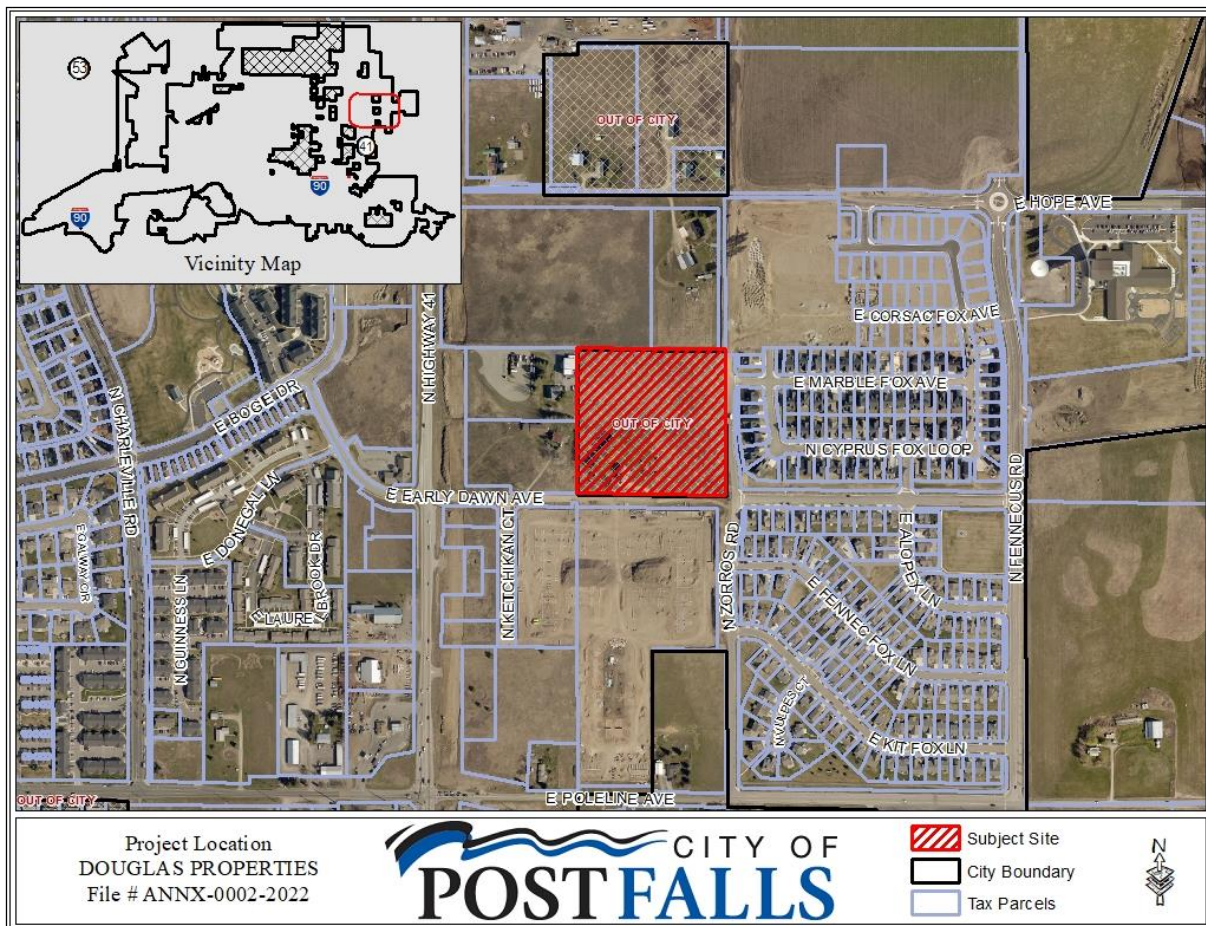
Project Description: The owner proposes to annex their approximate 9.63 acres into the City of Post Falls with a request of Community Commercial Services (CCS) Zoning.

Project Location: Proposed annexation is located on the northwest corner of Early Dawn Ave. and Zorros Rd.

AREA CONTEXT (proposed site hatched red below):

Surrounding Land Uses: Located to the west and north are large lot residential homes. Directly east, across Zorros Rd., is the Foxtail 3rd Addition Subdivision that is all single-family homes. South of the subject property, across Early Dawn Ave., is the Bluegrass Apartments.

Area Context Vicinity Map:



EVALUATION OF ZONING APPROVAL CRITERIA:

The following section provides the staff analysis pertaining to the Annexation Application and the establishment of zoning. The zone change review criteria set forth within the Post Falls Municipal Code sections 18.16.010 and 18.20.100 are cited within the following staff analysis in **BOLD**. This review criteria provides the framework for decision making for the Planning Commission and City Council.

ZONE CHANGE REVIEW CRITERIA

A. Amendments to the zoning map should be in accordance with the Future Land Use Map.

The Future Land Use Map designated this property with the land use designation of **Business/Commercial**. This category includes a broad mix of commercial, retail, professional office, civic, and cultural uses. Implementing zoning districts include: CCM, LC, CCS, SC4, and SC5 per focus area. Assigned zones should be compatible with adjacent zones/uses within the City and consistent with the guiding principles within the associated 41 North Focus Area.

The 41 North Focus Area states the following:

Residential development has been predominant in recent years, and with some forecasts estimating as many as 30,000 new residents in this area by 2040, it's a trend that's likely to continue. Such growth is expected to spur commercial uses adjacent to the highway, especially at stop-controlled intersections. As with North Prairie, land values will pressure development to attract a range of residents, offering shared amenities, housing variety and neighborhood-scale services. To help enrich the future identity of 41 North, growth should include strategically located, carefully designated land uses incorporating trails and an interconnected, walkable street network.

Post Falls recently annexed additional lands for a planned technology park to be located near the northwest corner of Highway 41 and Prairie Avenue. This feature is expected to help diversify land uses and boost demand for commercial services. The following items affirm or guide development of key policies for this area, or suggest future action items for the 41 North focus area:

- Focus provisions for multi-family, commercial, and tech uses near higher classified roadways;
- Development should provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail;
- Manage development patterns in the airport fly zone east of 41 and north of Prairie Avenue, coordinating with the 2018 Coeur d'Alene Airport Master Plan;
- Facilitate the creation of the "backage roads" system envisioned in the Highway 41 Corridor Master Plan, supporting appropriately scaled commercial and mixed-use development along 41 and improving access for nearby residential uses;
- Focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day.

B. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan. Goals and Policies (listed by policy number) that are relevant to this annexation request are shown below, followed by staff comments.

The following goals may, or may not, assist with this zone change request.

Goal 1: Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.

Goal 3: Maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty.

Goal 5: Keep Post Falls' neighborhoods safe, vital, and attractive.

Goal 7: Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.

Goal 8: Protect and maintain Post Falls' natural resources including clean air, soils, river, and aquifer, and minimizing light and noise pollution citywide.

Goal 12: Maintain the City of Post Falls' long-term fiscal health.

Goal 14: Involve the community of Post Falls in all local government planning and decision-making.

The following policies may, or may not, assist the review of this Zone Change request.

Policy 1: Support land use patterns that:

- Maintain or enhance community levels of service;

Staff Comment: Impact Fees are paid at the time of permit issuance to assist maintaining the community levels of service for parks, streets, public safety, and multi-modal pathways.

- Foster the long-term fiscal health of the community;

Staff Comment: Long-term fiscal health may be fostered by providing for opportunities to create a variety of service, retail, office, and mixed-use development(s) through appropriate zoning, which this proposal along the Highway 41 commercial corridor may achieve.

- Maintain and enhance resident quality of life;

Staff Comment: The proposed new zoning of CCS could provide development of the area that may provide the necessary amenities to enhance resident quality of life.

- Promote compatible, well-designed development;

Staff Comment: Providing the opportunity for a variety of service, retail, office, and mixed development as this proposal may offer could further the Highway 41 commercial corridor uses and allow for a more compatible and well-designed corridor.

- Implement goals and policies of the comprehensive plan, related master plan and/or facility plans.

Staff Comment: To help enrich the future identity of the 41 North Focus Area, growth should include strategically located, carefully designated land uses incorporating trails and an interconnected, walkable street network.

The following items may be supported by the proposal:

- Focus provisions for multi-family, commercial, and tech uses near higher classified roadways;
- Development should provide pedestrian connectivity to all multi-use paths and trails, including the Highway 41 Trail;
- Focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day.

Policy 2: Apply or revise zoning designations with careful consideration of factors including:

- Future land use mapping;

Staff Comment: Exhibit S-3: Future Land Use Map, depicts the land use designation for this area as Business/Commercial. The proposed Community Commercial Services (CCS) Zone is an allowable implementing zoning district within the Business/Commercial land use designation category.

- Compatibility with the surrounding land uses;

Staff Comment: Land uses surrounding the site are all residential in nature. Within the Highway 41 commercial corridor more commercially zoned properties may be (re)developed soon as most of the uses, surrounding this proposal, are all legally non-conforming uses within the CCS zoning district.

- Infrastructure and service plans;

Staff Comment: Early Dawn Avenue and Zorros Road are classified as Minor Collector Roadways with Zorros Road being the 1/4 Mile Backage Roadway to State Highway 41. Development would be required to be consistent with the Annexation and Development Agreement (Exhibit S-4).

- Existing and future traffic patterns;

Staff Comment: The requested zoning is consistent with the anticipated land uses and trip generations within the City's Transportation Master Plan.

- Goals and policies of the comprehensive plan, related master plan and/or facility plans.

Staff Comment: The response to this is embedded within the analysis within this section.

Policy 3: Encourage development patterns that provide suitably scaled, daily needs services within walking distance of residential areas, allowing a measure of independence for those who cannot or choose not to drive.

Staff Comment: This proposal is located near Bluegrass Apartments and Foxtail Subdivision, which are separated by roadway right-of-way. These uses being in proximity to this proposed commercially zoned property may lend itself to a work, live, play lifestyle reducing the dependency for automobiles while supporting the community with further amenities for the public.

Policy 7: Encourage the development of off-corridor access and circulation for commercial and mixed-use areas abutting limited-access arterials.

Staff Comment: This CCS zone request is not directly along Highway 41, but is within close proximity and upon development will need to meet transportation standards set forth in City code. This may provide necessary accesses and traffic circulation in this area from being a corner lot.

Policy 8: Encourage compatible infill development and redevelopment of vacant and under-utilized properties within City limits.

Staff Comment: This subject site would be considered infill and is within the City of Post Falls Exclusive Tier of the Area of City Impact. If relevant, the Commission and Council must determine whether the development is compatible and under-utilized.

Policy 45: Guide annexation decisions guided by and considering:

- Master plans for water, sewer, transportation, parks, schools, and emergency services;

Staff Comment: Development as well as this staff report identifies compliance with necessary water, sewer, transportation, parks, schools, and emergency services. Applicable agencies are notified to comment and respond in regards to such master plans.

- Provisions of necessary rights-of-way and easements;

Staff Comment: Annexations require additional rights of way as conditions upon approval as well as identified within the annexation agreement.

Studies that evaluate environmental and public service factors;

Staff Comment: Studies that have been previously done and accounted for are found within the master plans that are adopted by the applicable agencies. Further studies that are identified and may need to be completed will be determined through the public hearing process as well as development of the site.

- Timing that supports orderly development and/or coordinated extension of public services;

Staff Comment: Highway 41 is currently being expanded and is under construction. This may allow for further traffic flow along this north south corridor with 1/8-mile backage roads to be constructed through new development along Highway 41.

- Comprehensive plan goals and policies;

Staff Comment: The response to this is embedded within the analysis within this section.

C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Streets/Traffic: Early Dawn Avenue and Zorros Road are classified as Minor Collector Roadways with Zorros Road being the 1/4 Mile Backage Roadway to State Highway 41. The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan. The Zone change is not anticipated to have any negative impacts to the City's transportation network that are not previously identified as being mitigated thru collection of Transportation Impact Fees. Development would be required to be consistent with the Annexation and Development Agreement.

Water and Sanitary Sewer:

- Water: Water service is provided by Ross Point Water District. Development would be required to be consistent with the Annexation and Development Agreement.
- Sanitary Sewer: The Owner will be required to use the Post Falls Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges including

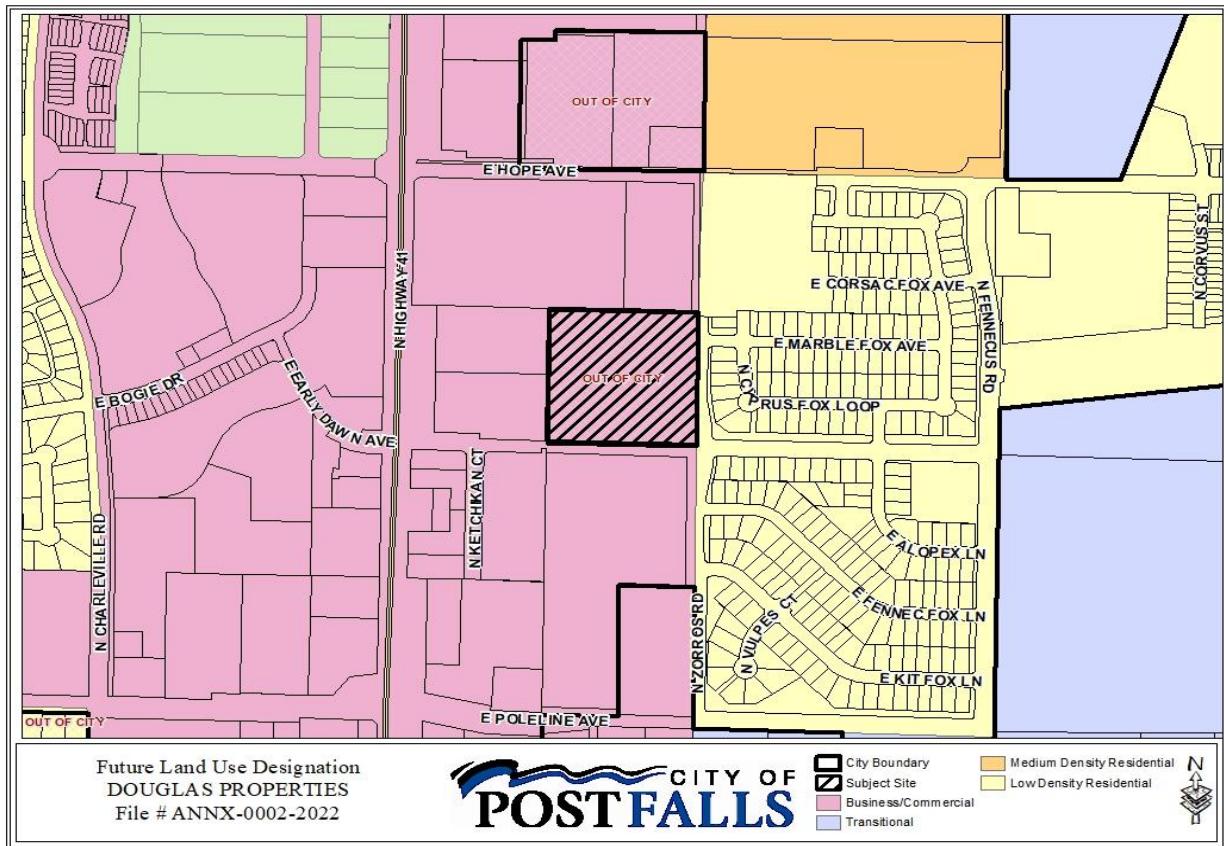
all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. The property is within the 12th Avenue Force Main Surcharge Basin and with development it will be required to pay the sewer surcharges established for the that basin which has been established to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. Development would be required to be consistent with the Annexation and Development Agreement.

Compatibility with Existing Development and Future Uses:

Future uses along Highway 41 are to be Business/Commercial, which has CCS zoning as an implementing zoning district for this designation. Existing adjacent residential uses will need to conform to the commercial standards and zoning upon development.

Future Land Use Designation:

Exhibit S-3: Future Land Use Map, depicts the land use designation for this area as Business/Commercial. The proposed CCS zone may be allowable per the direction of the 41 North Focus Area and the adjacent road classifications.



Community Plans: As previously stated, this is within the 41 North Focus Area within the Post Falls Comprehensive Plan.

Geographic/Natural Features:

The site is over the Rathdrum Prairie Aquifer. No geographic or other natural features have been identified that would affect development, safety, health, or welfare on this site.

D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Staff Comment: The proposed zone is located along higher classified roadways. Early Dawn Ave. and Zorros Rd. are proposed minor collector roadways.

E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Staff Comment: Not applicable as this is for a commercial zone within the Highway 41 higher intensity of urban activity.

F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

Staff Comment: Not Applicable as Industrial zoning isn't being requested as part of this consideration nor is Industrial zoning situated near the requested area.

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irr. District
Kootenai County Fire	Kootenai Electric	Time Warner Cable
PF Highway District	Ross Point Water	PF Police Department
PF School District	Verizon	Utilities (W/WW)
Avista Corp. (WWP-3)	Idaho Department of Lands	Urban Renewal Agency
Department of Environmental Quality	Panhandle Health District	Kootenai County Planning
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO
Yellowstone Pipeline Co.	TransCanada GTN	TDS

- **Kootenai County Fire & Rescue (Exhibit PA-1)** – Comments on projects during the project review process.
- **Post Falls Police Department (Exhibit PA-2)** – Remains neutral.
- **Post Falls Highway District (Exhibit PA-3)** – Responded with no comment

MOTION OPTIONS: The Planning and Zoning Commission must provide a recommendation of zoning to City Council along with an evaluation of how the proposed development does/does not meet the required evaluation criteria for the requested annexation. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a certain date.

If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a date certain.

ATTACHMENTS:

Applicant Exhibits:

Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-4	Map
Exhibit A-5	Will Serve
Exhibit A-6	Title Report
Exhibit A-8	Auth Letter

Staff Exhibits:

Exhibit S-1	Vicinity Map
Exhibit S-2	Zoning Map
Exhibit S-3	Future Land Use Map

Testimony:

Exhibit PA-1	KCFR Comments
Exhibit PA-2	PFPD Comments
Exhibit PA-3	PFHD Comments
Exhibit PC-1	Burns Comments



ANNEXATION APPLICATION

Post Falls Comprehensive Plan

Public Services Department – Planning Division
408 N. Spokane St. Post Falls, ID 83854
208.773.8708 Fax: 208.773.2505

STAFF USE ONLY		
Date Submitted: <u>1/28/22</u>	Received by: <u>ARB</u>	File # <u>AnnX-0002-2022</u>
Application Fee <u>3,000</u>	Public Hearings: <u>\$600</u>	Mailing <u>\$6*26 = 3/2</u>

PART 1 – Process of Completion and Public Hearing Schedule

1. Applications will need to be deemed complete by the Planning Department prior to being scheduled for a public hearing. Once the applicant has been issued a completeness letter from the Planning Department verifying the application is complete, the application will be eligible to be scheduled at the next available Public Hearing.
2. Each Completeness Review Period, will be reviewed within a 2-week period
3. There is a 45-day cut-off windows for a fully completed application (deemed complete) required, prior to being scheduled for the next available Public Hearing (See Note Below).

*****NOTE: Once we have 4 Public Hearings the following applicants will be moved to the next month's Hearing Date. *****

PART 1/A – REQUIRED MATERIAL

****THE APPLICATION WILL NOT BE ACCEPTED IF THE REQUIRED MATERIALS ARE NOT PROVIDED****

Annexing land and expanding public services is based on careful planning, adopted regulations and Comprehensive Plan policies. Annexation should provide a means for orderly, logical expansion of the city and increased efficiency, and economic provisions of public services. The City of Post Falls considers approval of annexing lands when such will lead to orderly future development that would result in benefit to the community. See the Comprehensive Plan 4.0 Future Land Use; Annexation Goals and Policies.

- Completed Annexation Pre-application**
- Completed application form**
- Application fee**
- Will Serve Letter:** (water service)
- A written narrative:** Including zoning, how proposal relates to Annexation Goals and Policies, and the impact on City services.
- A legal description:** in MS Word compatible format, together with a meets and bounds map.
- A report(s) by an Idaho licensed Title Company:** showing ownership of record, any interest of record, and a list of property owners of record within 300 feet of external boundaries of the subject property and mailing labels, provided by the Title Company.
- A vicinity map:** To scale, showing property lines, thoroughfares, existing and proposed zoning, etc.

- Public hearing notification:** Two required public hearings incur a mailing fee of \$6.00 per hearing notice per property within 300ft radius of the site (3 sets of labels are also required). The cost for publication notices in the local newspaper for both Planning and Zoning and City Council is \$300 per public hearing equaling \$600.
- Owner authorization:** If there is to be an applicant or consultant acting on the owner's behalf.

PART 2 – APPLICATION INFORMATION

PROPERTY OWNER: Douglass Properties LLC		
MAILING ADDRESS: 1402 Magnesium Road		
CITY: Spokane	STATE: WA	ZIP: 99217
PHONE:	FAX:	EMAIL:
APPLICANT OR CONSULTANT: Whipple Consulting Engineers, Inc.		STATUS: <input checked="" type="checkbox"/> ENGINEER <input type="checkbox"/> OTHER
MAILING ADDRESS: 21 S Pines Rd., Spokane Valley, WA, 99206		
CITY: Spokane Valley	STATE: WA	ZIP: 99206
PHONE: 509.893.2617	FAX:	EMAIL: toddw@whipplece.com

SITE INFORMATION:

PROPERTY GENERAL LOCATION OR ADDRESS: 4171 E. Early Dawn Avenue		
PROPERTY LEGAL DESCRIPTION (ATTACH OR DESCRIBE): Please see attached		
TAX PARCEL #: 0-6360-30-042-AA	EXISTING ZONING: AG	ADJACENT ZONING: CCS, R-1
	CURRENT LAND USE: Single-Family	ADJACENT LAND USE: Low Density Residential, Business Commercial
DESCRIPTION OF PROJECT/REASON FOR REQUEST: The property is surrounded on all sides with incorporated land. As an infill site located entirely within The City of Post Falls, annexation would align with Post Falls Annexation Goals. Please see the attached narrative.		

PART 3 – CERTIFICATION

The applicant (or representative) must be present at the public hearing to represent this proposal or the application will not be heard. The applicant will be responsible for costs to re-notice the public hearing.

Petitioner's name(s), address, and phone number:

Name	Address	Phone
------	---------	-------

I (We) the undersigned do hereby make petition for annexation and zone classification of the property described in this petition and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

Be advised that all exhibits presented will need to be identified at the meeting, entered into the record, and retained in the file.

DATED THIS 23 DAY OF December 2021

James D. Dunbar

PART 4 – COMPLETED BY CITY STAFF

COMPLETED PRE-APP:	YES:	NO:
	PRE-APP NAME:	PRE-APP FILE#:
IF NO PRE-APPLICATION, REASON?		

WCE No. 20-2796
January 20, 2022

Post Falls Planning and Zoning Commission
C.O.: Jon Manley, Planning Manager
408 N. Spokane Street
Post Falls, ID 83854

Re: City of Post Falls
Annexation Narrative

To whom it may concern:

This letter is intended to serve as a written narrative for a proposed annexation of parcel 0-6360-30-042-AA, AIN 192891, into the City of Post Falls. This letter discusses zoning information, how the proposal relates to the City of Post Falls Annexation Goals and Policies, and any impact the proposal would have on City services.

Site Description

The subject property is an approximately 9.67-acre rectangular parcel located in the Agriculture Zone in Kootenai County, Idaho in Section 30, Township 51 North, Range 45 East, W.M. and is in Kootenai County tax parcel number 0-6360-30-042-AA. The property has frontage on Corsac Fox Avenue to the northeast, Zorros Road to the east, and Early Dawn Avenue to the south. The City of Post Falls Future Land Use Map designates this property for annexation as Business/Commercial.

Background

In 2020, the previous owner applied for annexation into the City with a zoning request of High-Density Multi-Family Residential (R-3). This application was supported by City Staff and the staff report was generally in favor of the proposed annexation. This annexation was denied by City Council in part due to the developing Highway 41, which ITE states will be completed this year.

Zoning

The site is currently located in the Kootenai County Agricultural Zone and is also located in the Border designation of the Kootenai County Comprehensive Plan.

Surrounding properties already annexed into the City of Post Falls include CCS zones to the north, south, and west, which are used for retail sales or performance of consumer services. The CCS zone is typically located in areas adjacent to major transportation corridors such as the I-90 corridor, Seltice Way and Highway 41. To the east of the site is zoned R-1 for single-family residences.

January 20, 2022

City Annexation Code Review

Per PFMC 18.16.010 and 18.20.100, the zone change approval criteria in the City of Post Falls has six requirements, listed below as A through F. The annexation of this property meets the requirements in the following ways:

A. Amendments to the Zoning Map should be in accordance with the Future Land Use Map.

We ask that this parcel be annexed into the CCS zone in keeping with adjacent land uses to the north, south and west. CCS is supported by the Comprehensive Plan in the Future Land Use Map which designates the site as business/commercial.

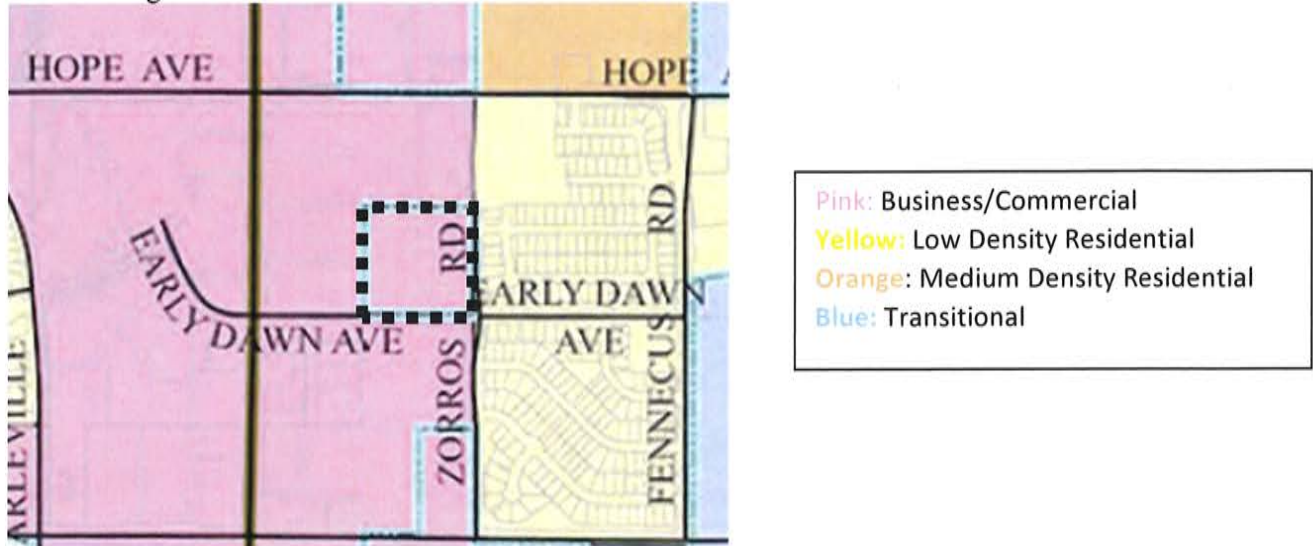


Figure 1: figure 2.03, page 37 of the Comprehensive Plan

B. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.

This proposed annexation meets the Comprehensive Plan goals and policies in the following ways:

G.07 – Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City’s long-term sustainability.

This goal is met through the following policies:

P.09 – Encourage annexation of County “islands” within the City, with priority given to areas: surrounded by incorporated areas; that have readily-available service infrastructure and capacity; that support increased development intensity near the urban core.

This parcel is currently an island of County Agricultural Zoning surrounded on three sides by the City CCS and one side by the City R-1 zones. Incorporation of this parcel into the CCS zone would remove the County island.

P.14 – Follow all annexation procedures established by Idaho State statutes and applicable City ordinances.

This proposal will follow all annexation procedures established by Idaho State statutes or applicable City ordinances.

P.33 – Annexation should help implement Post Falls’ transportation plans, enabling completion or preserving continuity of circulatory patterns for roads and pedestrian ways.

A future project at this site would connect collector Zorros Rd to collector Early Dawn Ave and therefore to HWY 41, allowing easier access from the adjacent subdivision to the east. It would also allow easier pedestrian access from the residential zone to the East to the existing CCS zone.

P.44 – Annexation should leverage existing capital facilities, with minimal need for expansion or duplication of facilities.

As this parcel has developed or developing land surrounding it, no significant extensions would be required.

P.46 – Mitigate impacts of annexation through the use of service agreements and/or development intensities that minimize City fiscal impacts.

The developer of this property would be responsible for installation of utilities and public road improvements along the perimeter of the property. With any future project, the developer would also be responsible for impact fees, permit fees, hookup fees, etc. to mitigate.

C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

1. Street classification: per the transportation layer on the Post Falls GIS (figure 3), this site is adjacent to E. Early Dawn Avenue to the south and N. Zorros Road to the east, both minor collectors. Additionally, to the west is the proposed SH41 1/8th Mile Backage Road. Further west is the N. Highway 41 principal arterial.
2. Traffic patterns: Access to the parcel from Highway 41 can be through either Hope Avenue or Poleline Avenue, which are existing signalized intersections. Early Dawn Avenue is proposed to have a ¾ movement intersection.
3. Existing development: To the south of the property lies the existing Bluegrass Apartments and to the east of the property is an existing subdivision. To the west, across HWY 41, is existing commercial and apartment developments.
4. Future land uses: The future land use of this parcel is Business/Commercial, which is in line with the proposed CCS zone.
5. Community plans: This parcel lies within Focus Area 41 North, which places importance on retail, mixed-use residential and services as well as multi-family and tech uses. It calls for the creation of collector roads parallel to HWY 41 with the purpose of aiding mixed-use development. A main goal of the community plan for Focus Area 41 North is to place commercial uses along arterial and collector streets.
6. Geographic or natural features: The property is currently flat, which is appropriate for commercial zoning due to the larger building footprint which would require substantial grading to accommodate.

D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

January 20, 2022

This site is adjacent to E. Early Dawn Avenue to the south and N. Zorros Road to the east, both minor collectors. Additionally, to the west is the proposed SH41 1/8th Mile Backage Road. Further west is the N. Highway 41 principal arterial.

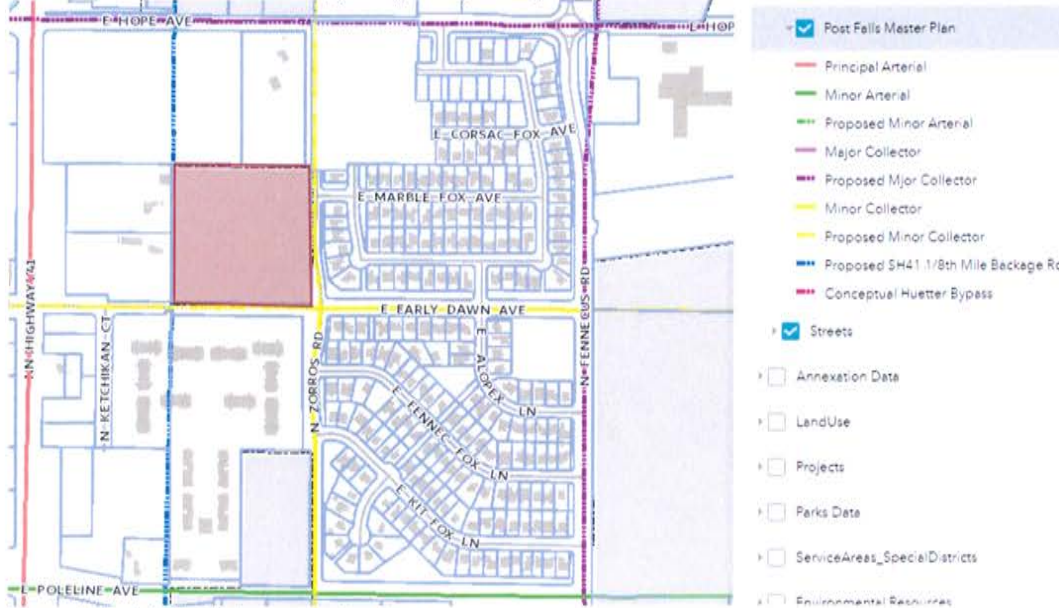


Figure 2: Post Falls GIS transportation layer

E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. Due to the site’s proximity to higher-intensity transportation routes including Highway 41 and Early Dawn Avenue, it is an appropriate location for CCS.

F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

While the site has sufficient access to transportation routes, this criterion is not applicable due to the property’s proximity to the nearby subdivision to the east.

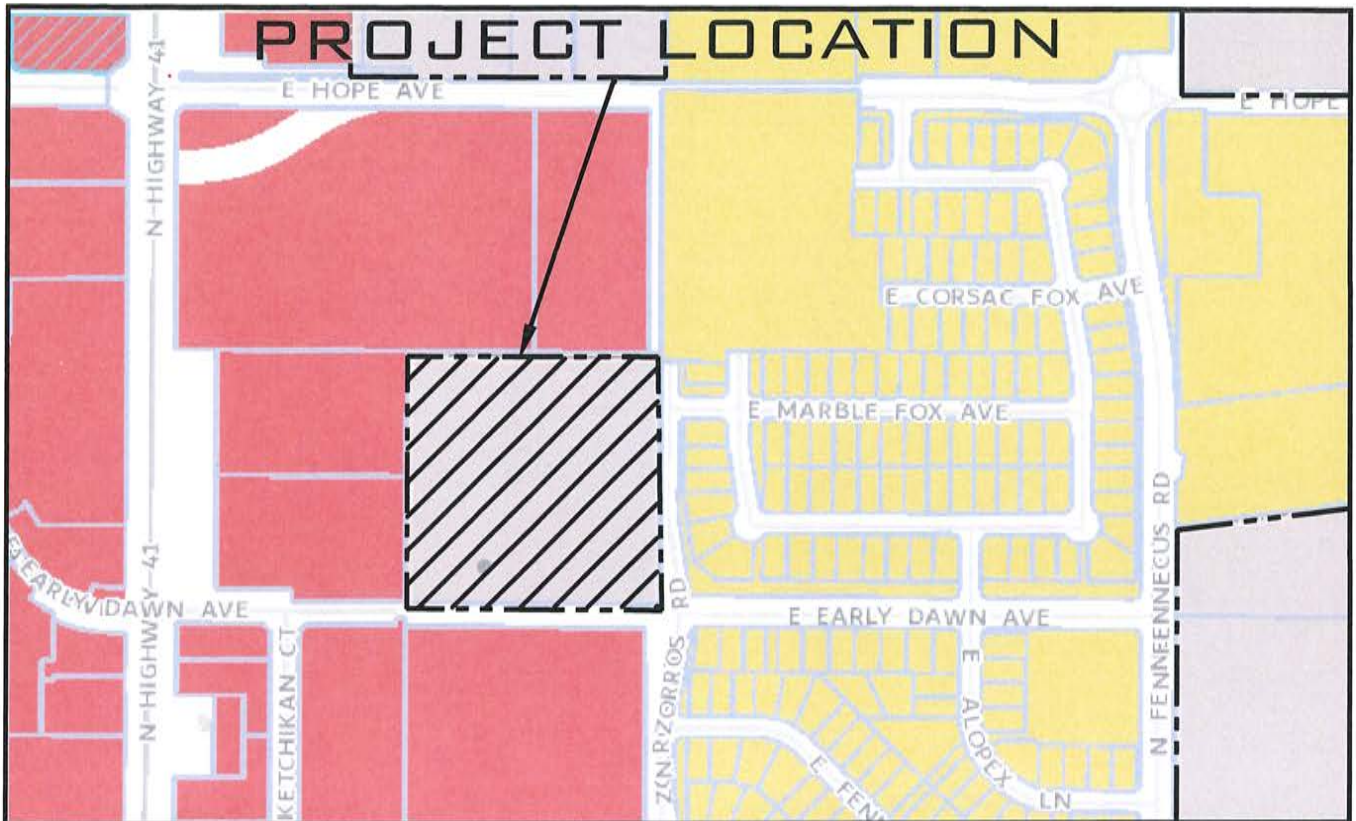
Impact on City Services

This parcel is within the future land use map of the City of Post Falls. As the parcel is surrounded by City of Post Falls designated properties, all City services are already available. Any impact on City services from a future project should not impact services beyond an acceptable level. A will-serve letter from Ross Point Irrigation District was submitted along with the application.






If you have any questions or comments regarding this letter, please feel free to contact us at (509) 893-2617

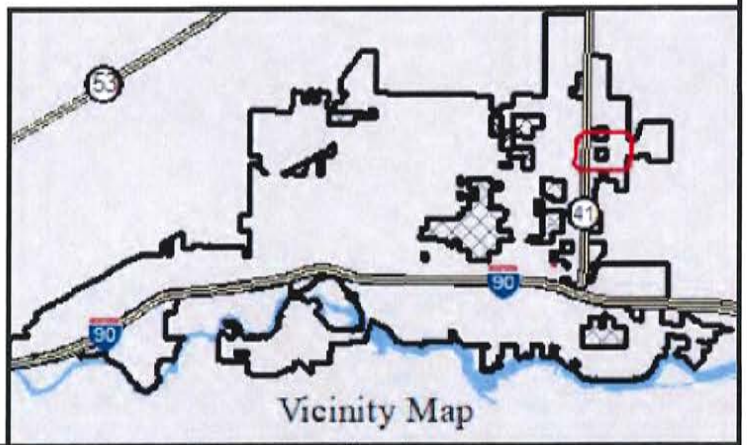
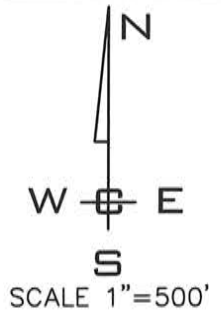
Thank you,

Todd R. Whipple, P.E.
President, Whipple Consulting Engineers, Inc.



LEGEND:

-  KOOTENAI COUNTY AGRICULTURAL ZONE
-  CITY OF POST FALLS CCS ZONE
-  CITY OF POST FALLS R1 ZONE
-  PROPOSED SITE
-  POST FALLS CITY BOUNDARY



PROJ #: 20-2796
 DATE: 12-15-21
 DRAWN: JED
 APPROVED: TRW

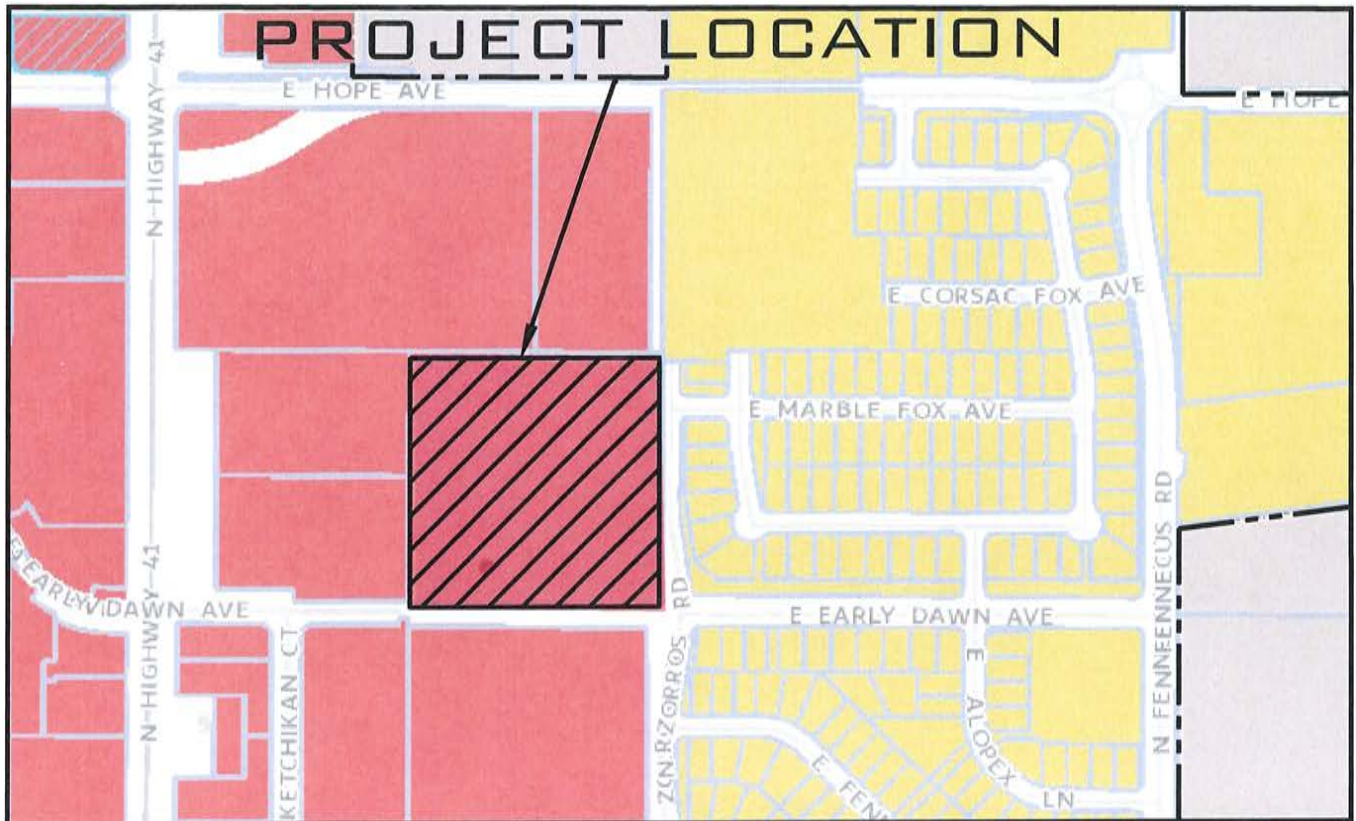
**CITY OF POST FALLS ANNEXATION APPLICATION
 LIVINGSTON ANNEXATION
 4171 EAST EARLY DAWN AVENUE
 POST FALLS, IDAHO**





WHIPPLE CONSULTING ENGINEERS
 CIVIL AND TRANSPORTATION ENGINEERING
 21 S. PINES ROAD
 SPOKANE VALLEY, WASHINGTON 99206
 PH: 509-893-2617 FAX: 509-926-0227

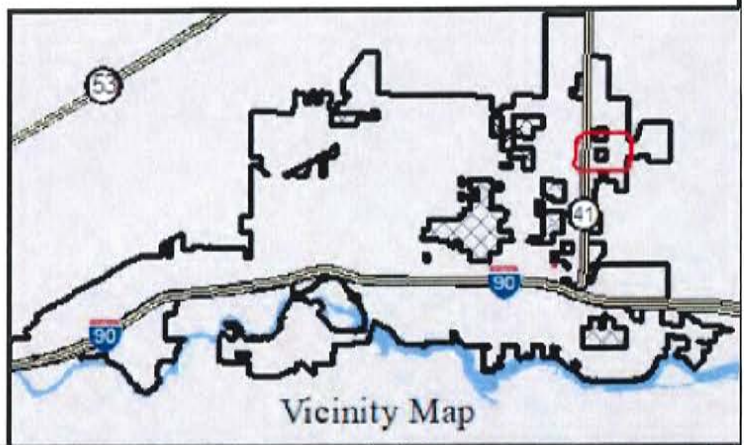
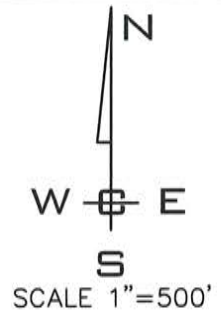
FIGURE 1

**EXISTING JURISDICTION
 AND ZONING**



LEGEND:

-  KOOTENAI COUNTY AGRICULTURAL ZONE
-  CITY OF POST FALLS CCS ZONE
-  CITY OF POST FALLS R1 ZONE
-  PROPOSED SITE
-  POST FALLS CITY BOUNDARY



PROJ #: 20-2796
 DATE: 12/15/21
 DRAWN: JED
 APPROVED: TRW

CITY OF POST FALLS ANNEXATION APPLICATION
 LIVINGSTON ANNEXATION
 4171 EAST EARLY DAWN AVENUE
 POST FALLS, IDAHO



FIGURE 2

PROPOSED JURISDICTION AND ZONING

ROSS POINT WATER DISTRICT

December 15, 2021

TO: Bill Melvin, P.E.
City Engineer, City of Post Falls
408 Spokane Street
Post Falls ID 83854

RE: PROJECT at 4171 E EARLY DAWN AVE, POST FALLS IDAHO

Dear Mr. Melvin:

Ross Point Water District has reviewed the preliminary plans for on-site improvements for the above referenced project and found them to be acceptable. We will need to review the completed construction plans before we can give final approval of the water system.

Ross Point Water District's Consulting Engineer, Whipple Consulting Engineers, Inc., have completed a study, which analyses the impact the proposed subdivision will have on our water supply and distribution system. The study identifies improvements that if made by the Developer, will allow the District to provide service to the subject project and maintain the existing level of service in the Ross Point Water District.

Ross Point Water District will provide water service to the above address project, conditioned upon the developer completing off-site improvements, if any.

Additional requirements include:

1. Annexation of the subdivision into the Ross Point Water District service area, if applicable.
2. Satisfactory completion and dedication of approved on-site and off-site water system improvements.
3. Payment of all applicable fees and charges.
4. Compliance with all Ross Point Water District policies, rules and regulations.
5. Transfer of all water rights associated with project property, if applicable.

If work on the project is not begun within one year this "Will Serve" letter becomes void.

If you have any questions regarding this matter please call.

Sincerely,



Christine Waller
Ross Point Water District

Cc: Ray Kimball, Whipple Consulting Engineers, Inc.
Idaho Department of Quality
Panhandle Health District
Austin Fuller, Whipple Consulting Engineers, Inc.



COMMONWEALTH LAND TITLE INSURANCE COMPANY
NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Commonwealth Land Title Insurance Company, a(n) Washington corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within 30 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.

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COMMONWEALTH LAND TITLE INSURANCE COMPANY

- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements; [and]
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form].

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I - Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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AMERICAN
LAND TITLE
ASSOCIATION



COMMONWEALTH LAND TITLE INSURANCE COMPANY

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

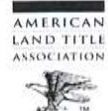
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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COMMONWEALTH LAND TITLE INSURANCE COMPANY

Commitment No.: 413252

SCHEDULE A

Escrow Officer: Sandy Motz - sandy@kootenaititle.com
Title Officer: Sam Johnson - sam@kootenaititle.com

1. Commitment Date: December 23, 2020 at 12:00 AM

2. Policy to be issued:

a. Owner's Policy	(ALTA Owners Policy (06/17/06))	Amount:	\$1,685,597.76
Proposed Insured:		Premium:	\$4,152.00
Lanzce Douglass Properties		Total:	\$4,152.00

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. Title to the Fee Simple estate or interest in the Land is at the Commitment Date vested in:

Brian K. Livingston, also shown of record as Brian Kent Livingston, an unmarried person

5. The Land is described as follows:

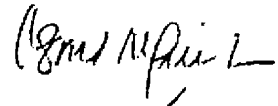

SEE SCHEDULE C ATTACHED HERETO

Commonwealth Land Title Insurance Company

COMMONWEALTH LAND TITLE INSURANCE COMPANY

By: 
Kootenai County Title Company, Inc.



By:  President
By:  Secretary

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COMMONWEALTH LAND TITLE INSURANCE COMPANY
SCHEDULE B, PART I
Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. This Commitment is subject to further underwriting review and approval. Additional Exceptions and/or Requirements may be added pending the outcome of said review.
6. The Company will require the following documents for the entity named below:

Entity: Lanzce Douglass Properties

A. Evidence the entity has been duly created and is in good standing with its state of domicile

B. Articles of organization

C. A list of the current member(s) and manager(s)

D. The Company's current operating agreement including all amendments thereto, together with a verified statement that the operating agreement is a true and correct copy of the agreement now in effect.
7. In the event this transaction fails to close and this commitment is cancelled, a fee will be charged.
8. We find the following address to be associated with the Land described herein:
4171 E. Early Dawn Ave.
Post Falls, ID 83854

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COMMONWEALTH LAND TITLE INSURANCE COMPANY

SCHEDULE B, PART II Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- B. General Exceptions:
 - 1. Rights or claims of parties in possession not shown by the Public Records.
 - 2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
 - 3. Easements, or claims of easements, not shown by the Public Records.
 - 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
 - 5. (a) Unpatented mining claims; (b) reservations in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) of (c) are shown by Public Records.
 - 6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments of real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- C. Special Exceptions:
 - 7. General taxes and assessments for the year 2020, which are a lien, of which the 1st installment is due December 20 of the tax year and the 2nd installment is due June 20 of the subsequent year (amounts do not include penalty and interest if delinquent):
1st Installment: \$1,480.02, delinquent
2nd Installment: \$1,480.02, payable but not yet due
Parcel No.: 0636030042AA
AIN No.: 192891
 - 8. General taxes and assessments for the year 2021, which are a lien, not yet due or payable.

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COMMONWEALTH LAND TITLE INSURANCE COMPANY

9. Assessments of Ross Point Water District

10. Reservation or exclusion of water rights from the Land as set forth in a Deed by Post Falls Irrigation District
Recorded: May 10, 1944
Instrument No.: Book 123 of Deeds at Page 585, records of Kootenai County, Idaho.

[Book 123 of Deeds at Page 585;](#)

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: Kootenai Electric Cooperative, Inc.
Purpose: Electric transmission and/or distribution line or system
Recorded: September 1, 1994
Instrument No.: 1370301, records of Kootenai County, Idaho.

[1370301;](#)

12. Well, Water Agreement and Easement, including without limitation the terms, conditions, covenants and provisions thereof, and any easements, water rights and assessments set forth therein or pursuant thereto
Between: Scott L Livingston
And: Brian K Livingston
Recorded: January 4, 1995
Instrument No.: 1383483, records of Kootenai County, Idaho

[1383483;](#)

13. Possible encroachment of a building and paving onto the northwestern portion of the Land

END OF SCHEDULE B

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COMMONWEALTH LAND TITLE INSURANCE COMPANY
SCHEDULE C

The Land is described as follows:

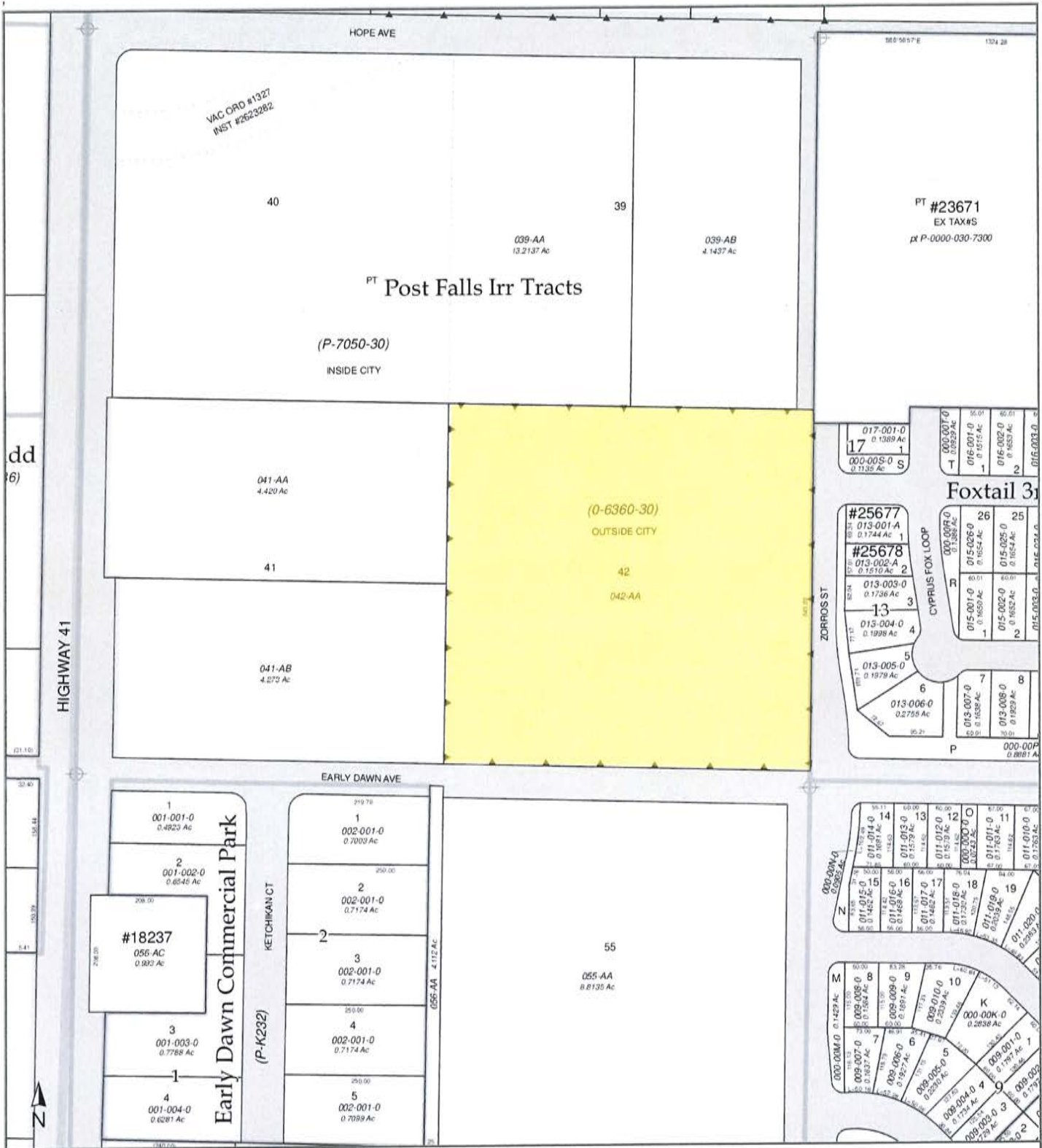
Tract 42, Block 30, Post Falls Irrigated Tracts, according to the plat thereof recorded in Book C of Plats at Page 78, records of Kootenai County, Idaho

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AMERICAN
LAND TITLE
ASSOCIATION





KT KOOTENAI TITLE
 MAKE A REQUEST FOR THE BEST
 1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814
 Phone: (208)667-9431 Fax: (208)208-666-0410

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

1370301

RC26X-1X-T2

STATE OF IDAHO)
COUNTY OF KOOTENAI) s.s.
AT THE COUNTY CLERK'S OFFICE)
KOOTENAI ELECTRIC CO-OP, INC.

Kootenai Electric Cooperative, Inc.

A Consumer Owned Electric Utility



SEP 16 3 49 PM '94

W. 2451 Dakota Ave. • P.O. Box 278 Hayden, ID 83835-0278
(208) 765-1200 • Fax (208) 772-5858

TOM LAGGART

[Signature]
DEPUTY

FEE\$ 6. ELECTRIC LINE - RIGHT-OF-WAY EASEMENT

KNOWN ALL MEN BY THESE PRESENTS, that we the undersigned, (whether one or

more) Brian K. Livingston and Melissa L. Livingston
(unmarried) (husband and wife) for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto Kootenai Electric Cooperative, Inc. a cooperative corporation (hereinafter called the "Cooperative") whose post office address is Hayden Lake, Idaho, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County

of Kootenai, State of Idaho, Township 51N, Range 04W,

Section 30, and more particularly described as follows:

See attached

and to construct, operate and maintain an electric transmission and/or distribution line or system on or under the above-described lands and/or in, upon or under all streets, roads or highways abutting said lands; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Cooperative may from time to time deem advisable, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, handholes, manholes, connection boxes, transformers and transformer enclosures; to cut, trim and control the growth by machinery or otherwise of trees and shrubbery located within 15 feet of the center line of said line or system, or that may interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth or other vegetation in the right-of-way which may incidentally and necessarily result from the means of control employed); to keep the easement clear of all buildings, structures, or other obstructions; and to license, permit, or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation.

The undersigned agree that all poles, wires, and other facilities including any main service entrance equipment, installed in, upon or under the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 28 day of July 1994.

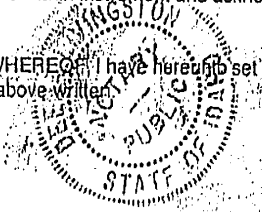
[Signature] (L.S.)
[Signature] (L.S.)

STATE OF IDAHO) s.s.
County of Kootenai)

On this 21 day of July, 1994, before me, the undersigned Notary Public, personally appeared Brian Kent Livingston + Melissa L. Livingston

known to me to be the person _____ whose name _____ subscribed to the within instrument and acknowledged to me that _____ he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.



[Signature]
Notary Public for the State of Id
Residing at: Coeur d'Alene
My Commission Expires: 11-2-94

35168

1370301

1349131

QUITCLAIM DEED

FOR VALUE RECEIVED *Ralph L. Livingston, an unmarried man*

do hereby convey, release, remise and forever quit claim

unto *Brian K. Livingston & Melissa L. Livingston*
Husband & wife
whose address is *ES 078 2nd Street Post Falls Idaho*

the following described premises, to-wit:

*Tract 42, Block 30 Post Falls Irrigated Tracts,
According to the plat filed in Book C, pages
78, 79 AND 80 of plats, Kootenai County, Idaho*

ATTEST: Notary Public for Idaho

Ralph Livingston

Apr 8 10 20 AM '94

together with their appurtenances, together with any after acquired title.

dated: *8 April 1994*

Notary Public
C. P. [Signature]
3.13.94

Ralph Livingston
Ralph Livingston

ACKNOWLEDGMENT - Individual
STATE OF Id, County of Kootenai, ss.

On this 8th day of April, in the year of 1994, before me, Twila G. Willcutt, a notary public, personally appeared Ralph L. Livingston, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public: Twila G. Willcutt
Residing at: Post Falls, ID 83444

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m., this _____ day of _____, 19____, in my office, and duly recorded in Book _____ of Deeds at page _____

Ex-Officio Recorder
By _____ Deputy.

Fees \$ _____
Mail to: _____

Pioneer Title Company of Kootenai County
100 Wallace Ave. • P.O. Box 486
Coeur d'Alene, Idaho 83814-0486
(208) 664-8254 • FAX (208) 664-9479

1383483

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF
SECURITY-TITLE CO OF IDAHO

WELL, WATER AGREEMENT

JAN 4 1 57 PM '95

AND EASEMENT

TON TAGGART
S. Browning
DEPUTY
FEES 62.00

This agreement made and entered into this 22nd day of December, 1994. by and between Scott L. Livingston owner of the following described real property and Brian K. Livingston and Melissa L. Livingston.

East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts, according to the Plat filed in Book "C" pages 78, 79, and 80 and Plats, Kootenai County, ID.

WHEREAS, a well has been drilled and established on the above described real property; and

WHEREAS, it is the intention of the party owning and controlling said well that it benefit all of the following described real property, to wit:

East 1/2 of Tract 39 and Tract 42 of Block 30, Post Falls Irrigated Tracts, according to the Plat filed in Book "C" pages 78, 79, and 80 and Plats, Kootenai County, ID.

NOW, THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

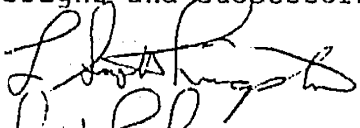
1. That the well presently drilled, established and pumping which is located on the East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts is declared to be a common well for the benefit of all owners of any portion of the East 1/2 of Tract 39 and Tract 42 of Block 30, Post Falls Irrigated Tracts.

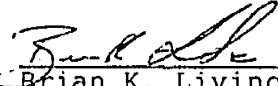
2. The owner of the East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts hereby conveys and grants an easement in place over, across and under the East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts for installation, maintenance and use of pipes conveying water to dominant estate.

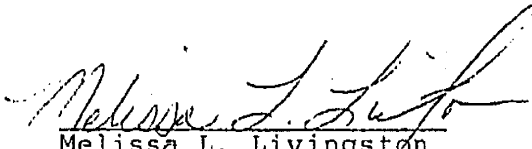
1383483

3. It is further agreed that all persons receiving water from said well shall share equally in the costs of maintenance, power, repair and upkeep on said well. For purposes of this agreement the Well shall be deemed to include the actual well, any pumps installed thereat, and any holding or storage tank which benefit all of the users of the water. Each user shall be responsible for the maintenance, repair and upkeep of the pipelines serving said individual user.

4. This agreement shall inure to the benefit of the heirs, assigns and successors in interest of the parties hereto.


Scott L. Livingston
Scott L. Livingston
Owner


Brian K. Livingston
Brian K. Livingston
Owner

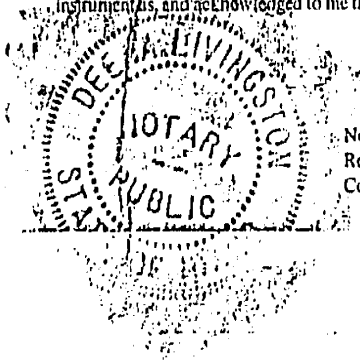

Melissa L. Livingston
Melissa L. Livingston
Owner

STATE OF }
COUNTY OF } ss.

On this 27th day of December in the year 1994, before me, a Notary Public, personally appeared

Scott L. Livingston

known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



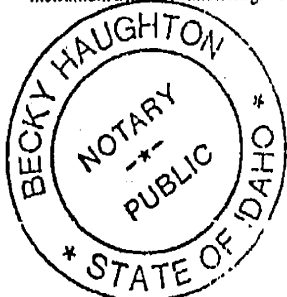
Notary Public Scott L. Livingston
Residing at Crossed Plains, Idaho
Commission expires 11-2-96

STATE OF }
COUNTY OF } ss.

On this 22nd day of December in the year 1994, before me, a Notary Public, personally appeared

Brian K. Livingston & Melissa L. Livingston

known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public Becky Haughton
Residing at Post Falls, Idaho
Commission expires 7/28/2000

T. A. Stott
 Nellie Stott

STATE OF IDAHO)
) ss
 COUNTY OF SHOSHONE)

On this 25th day of March A. D. 1943, before me, Catherine Whalen a Notary Public in and for the State of Idaho, personally appeared T. A. STOTT and NELLIE STOTT husband and wife personally known to me to be the individuals who signed the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

(Notarial Seal)

Catherine Whalen
 Notary Public in and for the State of
 Idaho residing at Kellogg, Idaho

State of Idaho)
) ss
 County of Kootenai)

Filed for record at the request of Mrs. Paul Monzingo on MAY 10 1944 at 9:15 o'clock A. M. and recorded in book 123 of Deeds page 584.

Jas. A. Foster County Recorder

Fee \$1.50

166109

D E E D

THIS INSTRUMENT, made and entered into this 15th day of January, A. D. 1944 by and between the POST FALLS IRRIGATION DISTRICT a municipal corporation, duly organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, and EVERETT A. KIRKPATRICK, a divorced person without remarried, party of the second part, WITNESSETH:

That the party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to it in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the party of the second part the following described property formerly being a part of the Post Falls Irrigation District, to-wit:

Tracts 5 to 12 inclusive in Block 25; Tracts

37, 38, 43, 44, 49, 50, 51, 62 and 64 in Block (IR Stamps \$4.40 FEB 15 1944)

26; Tracts 39, 40, 41, 42 and 55 in Block 30,

all of which said tracts have now been excluded from the District and are sold as dry land without water to irrigate, or the right to irrigation water in connection therewith: and also

Tract 63 of Block 26 Post Falls Irrigation District

All of the above tracts being described as certain numbered tracts in the plat of the Post Falls Irrigation tracts, commonly known as the same numbered tracts and blocks in Post Falls Irrigation District, Kootenai County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the same unto the said party of the second part, his successors and assigns forever, subject, however, to all rights of way for streets, roads and alleys over and across said property and any and all rights of ways for ditches, flumes, pipe lines of devices for carrying water across said property for irrigation, or domestic purposes and any rights of way for any purpose existing thereon.

The first two parcels of property above described are now under lease, part of which are in crop by the tenants for the year 1944 and the land is sold subject thereto, the purchaser to have the landlords portion of the crops for the year 1944.

Purchaser to pay all taxes for the year 1944 and subsequent and party of the first part warrants that said property is now free and clear of all encumbrances, particularly the bonds issued against said property and which will be satisfied in accordance with the contract with the bondholders approved by the Federal Court for the District of Idaho. Purchaser is to make no claim whatever for irrigation or domestic water, or any rights under the Post Falls Irrigation system for any of said tracts, except Tract 63 in Block 26. Should it become necessary to levy any irrigation district assessment for the purpose of liquidating the bonds of the Post Falls Irrigation District, it is understood and agreed that said assessment will be paid and caused to be cancelled by the said Post Falls Irrigation District, in accordance with the contract entered into by said District and the Commonwealth Investment Company, approved by the District Court of the United States for the District of Idaho, Northern Division.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and caused its seal to be affixed the day and year first above written.

(Corporate Seal)

POST FALLS IRRIGATION DISTRICT

By Howard McGinley
 President

Attest: E. L. Brugger Secretary

STATE OF IDAHO)
COUNTY OF KOOTENAI) ss
AT THE REQUEST OF
Charles Ben

AUG 20 4 47 PM '97

DANIEL J. ENGLISH *DN*
DEPUTY
FEE\$ 3.0

1502024

QUITCLAIM DEED

FOR VALUE RECEIVED, MELISSA LEAH HIETT, fka MELISSA LEAH LIVINGSTON, an unmarried person, does hereby convey, release and forever quit claim unto BRIAN KENT LIVINGSTON, an unmarried person, whose address is 4301 E. Early Dawn Avenue, Post Falls, Idaho 83854, the following described premises, to wit:

Tract 42, Block 30, Post Falls Irrigated Tracts. according to the Plat filed in Book C of Plats; at pages 78-80, Kootenai County, Idaho,

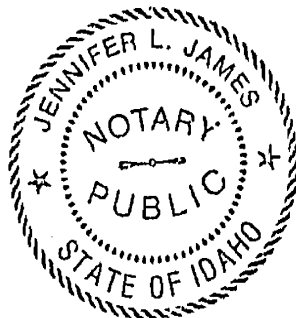
together with their appurtenances, together with any after acquired title.

Dated this 14 day of August, 1997.

Melissa Leah Hiett
MELISSA LEAH HIETT
fka MELISSA LEAH LIVINGSTON

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 14th day of August, 1997, before me, the undersigned Notary Public, personally appeared MELISSA LEAH HIETT, known or identified to me as the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Jennifer L. James
Notary Public for Idaho
Residing at: Hayden Lake
My Commission Expires: 1-25-00

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF
Charles Ben

AUG 20 4 47 PM '97

DANIEL J. ENGLISH *DN*
DEPUTY
FEE\$ 3.00

1502024

QUITCLAIM DEED

FOR VALUE RECEIVED, MELISSA LEAH HIETT, fka MELISSA LEAH LIVINGSTON, an unmarried person, does hereby convey, release and forever quit claim unto BRIAN KENT LIVINGSTON, an unmarried person, whose address is 4301 E. Early Dawn Avenue, Post Falls, Idaho 83854, the following described premises, to wit:

Tract 42, Block 30, Post Falls Irrigated Tracts, according to the Plat filed in Book C of Plats; at pages 78-80, Kootenai County, Idaho,

together with their appurtenances, together with any after acquired title.

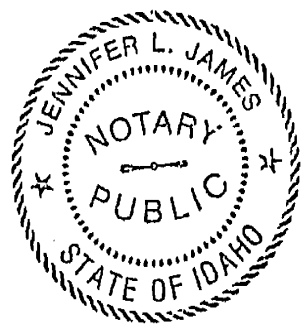
Dated this 14 day of August, 1997.

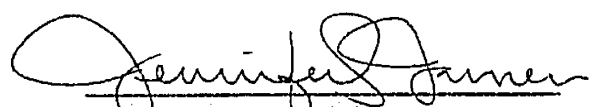


MELISSA LEAH HIETT
fka MELISSA LEAH LIVINGSTON

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 14th day of August, 1997, before me, the undersigned Notary Public, personally appeared MELISSA LEAH HIETT, known or identified to me as the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.





Notary Public for Idaho
Residing at: Hayden Lake
My Commission Expires: 1-25-00

Instrument Number

Escrow No.: N-35192-WW

WARRANTY DEED

FOR VALUE RECEIVED, **L. Scott Livingston and Jacqueline E. Livingston**, husband and wife
Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **Sergey V. Artemenko and Elena V. Artemenko, HUSAND AND WIFE AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP**, Grantee, whose address is:
4320 EAST HOPE AVENUE, POST FALLS, the following described premises, County of Kootenai, State of Idaho to-wit: TD. 8385Y

The East half of Tract 39 in Block 30 of Post Falls Irrigated Tracts, according to the official plat thereof, filed in Book "C" of Plats at Page(s) 78, 79, and 80, records of Kootenai County, Idaho.

Excepting therefrom that portion conveyed to the City of Post Falls by Grant of Right-of-Way recorded July 9, 2008 as Instrument No. 2167728000, Kootenai County Records.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

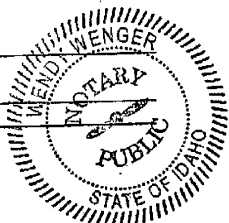
DATED, April 22, 2015

[Signature]
L. Scott Livingston
[Signature]
Jacqueline E. Livingston

STATE OF IDAHO)
)ss.
COUNTY OF Kootenai)

On this 23rd day of April, 2015, before me, a Notary Public in and for said State, personally appeared L. Scott Livingston and Jacqueline E. Livingston, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

[Signature]
Notary in and for said County and State
Residing at: Hayden
Commission Exp.: 4/28/2016





JIM BRANNON 2 P 2751708000
KOOTENAI COUNTY RECORDER
KKR 5/15/2020 1:20 PM
REQ OF KOOTENAI COUNTY TITLE
COMPANY

RECORDING FEE: \$15.00 DD
Electronically Recorded

2020-056

QUITCLAIM DEED

For Value Received

Heidi Mallet, an unmarried woman

do hereby convey, release and forever quit claim unto

James D. Mallet, an unmarried man

whose address is: PO Box 3543, Hayden, ID 83835

the following described premises, to wit:

See Exhibit A attached hereto and made a part hereof for legal description
together with their appurtenances and including any and all after acquired title.

Dated: May 12, 2020

Heidi Mallet
Heidi Mallet

STATE OF IDAHO

COUNTY OF KOSOTENAI

On this 15 of May, 2020, before me, the undersigned, a Notary Public in and for said State, personally
appeared Heidi Mallet, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within
instrument, and acknowledged to me that they executed the same.

Keri Mitchell
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission Expires: 8-25-2023

KERI MITCHELL
Notary Public - State of Idaho
Commission Number 5192
My Commission Expires 08-25-2023

ACCOMODATION RECORDING
KOOTENAI COUNTY TITLE COMPANY
has not examined this document,
and assumes no liability as to its
validity or its effects on title.

EXHIBIT A

The North Half of Tract 41, Block 30 POST FALLS IRRIGATED TRACTS, according to the plat recorded in Book "C" of Plats, at Pages 78, 79, and 80, records of Kootenai County, Idaho.

EXCEPTING THEREFROM that portion conveyed to the State of Idaho by Right of Way Deed recorded May 14, 1952 in Book 151 of Deeds at Page 30, records of Kootenai County, Idaho.

ALSO EXCEPTING THEREFROM that portion conveyed to the City of Post Falls by Grant of Right of Way recorded July 16, 2004 as Instrument No. 1888610, records of Kootenai County, Idaho.

ALSO EXCEPTING THEREFROM a parcel of land in a portion of Government Lot 3 (Northwest Quarter of the Southwest Quarter (NW4SW4)), Section 30, Township 51 North, Range 4 West, of the Boise Meridian, Kootenai County, Idaho, being a part of Tract 41, Block 30, Post Falls Irrigated Tracts (Book C of Plats, Pages 78, 79 and 80), directly affecting that parcel described in Deed Instrument No. 2254510000, as shown on the attached Exhibit Map and being more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 30, a calculated position per CP&F Instrument No. 2628322000, being Station 1104+19.28, 45.00 feet left as set forth in ITD Project No. A019 (682), from which the Southwest Corner of said Section 30, a calculated position per CP&F Instrument No. 2628321000, bears South 00°58'56", 2638.98 feet, thence along the West line of said Government Lot 3 (NW4SW4), South 00°58'56" West, 978.16 feet to a point being perpendicular from the intersection of the South line of said certain parcel with the East right-of-way of SH-41, being Station 1094+41.14, 45.00 feet left; thence

Departing said West line of said Government Lot 3 (NW4SW4), South 89°01'04" East, 61.77 feet to said intersection, being the POINT OF BEGINNING; thence

Along said East right-of-way, North 00°57'29" East, 320.54 feet to the North line of said certain parcel; thence

Departing said East right-of-way and along said North line, South 88°37'34" East, 98.37 feet; thence

Departing said North line and along a line being parallel with and 160.00 feet offset from said West line of said Government Lot 3 (NW4SW4), South 00°58'56" West, 320.71 feet to said South line of said certain parcel; thence

Departing said parallel line and along said South line, North 88°31'40" West, 98.23 feet to said East right-of-way of SH-41, being the POINT OF BEGINNING.

A handwritten signature in black ink, appearing to be the initials 'HOM' followed by a flourish.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
Finnegan Enterprises LLC
820 N Williams St
Post Falls, ID 83854

JIM BRANNON 3 P 2710786000
KOOTENAI COUNTY RECORDER
MRR 9/6/2019 11:06 AM
REQ OF FIRST AMERICAN TITLE -
KOOTENAI

RECORDING FEE: \$15.00 DD
Electronically Recorded

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **851454-C (jh)**

Date: **September 03, 2019**

For Value Received, **E. JoAnn Wolkenhauer, Trustee of the E. JoAnn Wolkenhauer Living Trust, dated September 20, 2018**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Finnegan Enterprises LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **820 N Williams St, Post Falls, ID 83854**, the following described premises, situated in **Kootenai County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 09/03/2019

Warranty Deed
- continued

File No.: 851454-C (Jh)

E. JoAnn Wolkenhauer, Trustee of the E. JoAnn
Wolkenhauer Living Trust

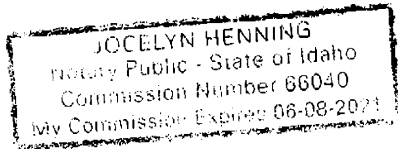
E. JoAnn Wolkenhauer, Trustee
E. JoAnn Wolkenhauer, Trustee

STATE OF Idaho)
) ss.
COUNTY OF Kootenai)

On this **4th day of September, 2019**, before me, a Notary Public in and for said State, personally appeared **E. Joann Wolkenhauer**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **E. Joann Wolkenhauer Living Trust** Trust, and acknowledged to me that she executed the same as such Trustee.

Jocelyn Henning

Notary Public of Idaho
Residing at: Coeur d Alene, ID
Commission Expires: 06/08/2021



Date: 09/03/2019

Warranty Deed
- continued

File No.: 851454-C (jh)

EXHIBIT A

THE SOUTH HALF OF TRACT 41, BLOCK 30, POST FALLS IRRIGATED TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK C OF PLATS, PAGE 78, 79 AND 80,

EXCEPT THAT PORTION DEEDED TO THE CITY OF POST FALLS UNDER GRANT OF RIGHT OF WAY RECORDED JULY 9, 2004 AS INSTRUMENT NO. 1887086.

RECORDING FEE: \$0.00 DD



After recording return to:
Idaho Transportation Department
Attn: HQ RW
PO Box 7129
Boise ID 83707-1129

Project No. A019(682)
Key No. 19682
Parcel No. 47
Parcel ID No. 50573

408288KM

WARRANTY DEED

THIS INDENTURE is made this 7th day of October, 2019, by and between **FINNEGAN ENTERPRISES, LLC, AN IDAHO LIMITED LIABILITY COMPANY** ("Grantor") and the **STATE OF IDAHO, IDAHO TRANSPORTATION BOARD, by and through the IDAHO TRANSPORTATION DEPARTMENT** ("Grantee"), 3311 West State Street, Boise, Idaho 83703.

WITNESSETH: That Grantor, for value received, does, by these presents, grant, bargain, sell and convey unto Grantee the following described real property situated in the County of KOOTENAI, State of Idaho, to-wit:

SEE **EXHIBIT A** ATTACHED HERETO
AND BY THIS REFERENCE MADE A PART HEREOF.

Containing approximately 0.861 acres.
Highway Station Reference: 1091+16.93 to 1094+41.14

Together with all appurtenances, easements and rights of way.

TOGETHER WITH all right, title and interest of Grantor in and to that portion of existing US-95, adjacent and contiguous to the property described on EXHIBIT A attached hereto and by this reference made a part hereof.

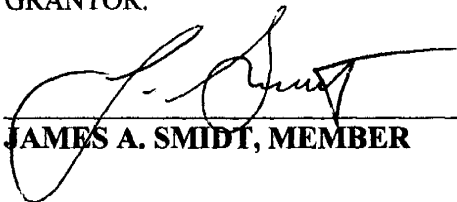
TO HAVE AND TO HOLD the said property with its appurtenances unto said Grantee, and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee, that Grantor is the owner in fee simple of said property; that said property is free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements (if any) of record, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

Project No. A019(682)
 Key No. 19682
 Parcel No. 47
 Parcel ID No. 50573

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:



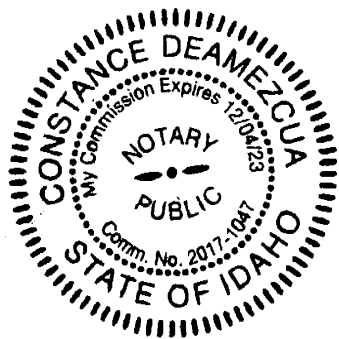
JAMES A. SMIDT, MEMBER

STATE OF IDAHO)
) ss.
 County of KOOTENAI)

On this 07 day of October, 2019, before me,

Constance de la Cruz a Notary Public in and for the State of Idaho, personally appeared JAMES A. SMIDT, known or identified to me to be a Member of the FINNEGAN ENTERPRISES, LLC, AN IDAHO LIMITED LIABILITY COMPANY that executed this instrument or the person who executed this instrument on behalf of said Company, and acknowledged to me that such Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



Notary Public for IDAHO

Residing at 27809 E. Country Vista
#76, Liberty Lake, WA 99019

My commission expires 12/4/23

EXHIBIT A

Idaho Transportation Department
SH-41, Mullan Avenue to Prairie Avenue
Project No. A019(682)
Key No. 19682
Parcel No. 47
Parcel ID No. 50573

May 22, 2018
Fee Acquisition
37,508 Sq. Ft. ±
0.861 Acres ±
Page 1 of 3
1 Exhibit Map (Page 3 of 3)

Legal Description

A parcel of land located in a portion of Government Lot 3 (Northwest Quarter of the Southwest Quarter (NW⁴SW⁴)), Section 30, Township 51 North, Range 4 West, of the Boise Meridian, Kootenai County, Idaho, being part of Tract 41, Block 30, Post Falls Irrigated Tracts (Book C of Plats, Pages 78, 79, and 80), directly affecting that certain parcel described in Deed Inst. No. 1467372, as shown on the attached Exhibit Map and being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 30, a calculated position per CP&F Inst. No. 2628322000, being Station 1104+19.28, 45.00 feet Left as set forth in ITD Project No. A019(682), from which the Southwest Corner of said Section 30, a calculated position per CP&F Inst. No. 2628321000, bears S00°58'56"W, 2638.98 feet, thence along the west line of said Government Lot 3 (NW⁴SW⁴), S00°58'56"W, 978.16 feet to a point being perpendicular from the intersection of the north line of said certain parcel with the east right-of-way of SH-41, being Station 1094+41.14, 45.00 feet Left;

Thence departing said west line of said Government Lot 3 (NW⁴SW⁴), S89°01'04"E, 61.77 feet to said intersection, being the **POINT OF BEGINNING**;

Thence along said north line of said certain parcel, S88°31'40"E, 98.23 feet;

Thence departing said north line and along a line being parallel with and 160.00 feet offset from the said west line of said Government Lot 3 (NW⁴SW⁴), S00°58'56"W, 291.78 feet;

Thence departing said parallel line and along a line being parallel with and 50.00 feet offset from the south line of said Government Lot 3 (NW⁴SW⁴), S88°33'20"E, 197.40 feet;

Thence departing said parallel line, S01°26'40"W, 30.00 feet to the north right-of-way of Early Dawn Avenue;

Thence along said north right-of-way, N88°33'20"W, 295.26 feet to said east right-of-way of SH-41;

Thence along said east right-of-way of SH-41, N00°57'29"E, 321.83 feet to said north line of said certain parcel, being the **POINT OF BEGINNING**.

The above described parcel contains 0.861 acres or 37,508 Sq. Ft., more or less.

Highway Project Plans Station Reference: 1091+16.93 to 1094+41.14 as set forth in ITD Project No. A019(682).

Station and offset distances are perpendicular or radial to the said highway design centerline.

The basis of bearing for the above parcel description is Grid North based on the Idaho State Plane Coordinate System, Idaho West Zone. All distance shown are ground distances.

EXHIBIT A

Idaho Transportation Department
SH-41, Mullan Avenue to Prairie Avenue
Project No. A019(682)
Key No. 19682
Parcel No. 47
Parcel ID No. 50573

May 22, 2018
Fee Acquisition
37,508 Sq. Ft. ±
0.861 Acres ±
Page 2 of 3
1 Exhibit Map (Page 3 of 3)

Parcel is subject to any easements or reservations.

The existing right-of-way for the purposes of this description was presumed to include those portions granted to the City of Post Falls.

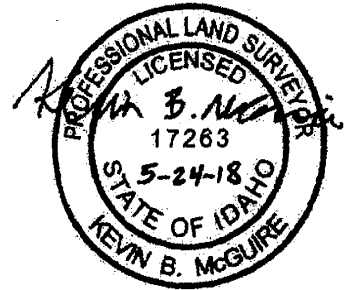
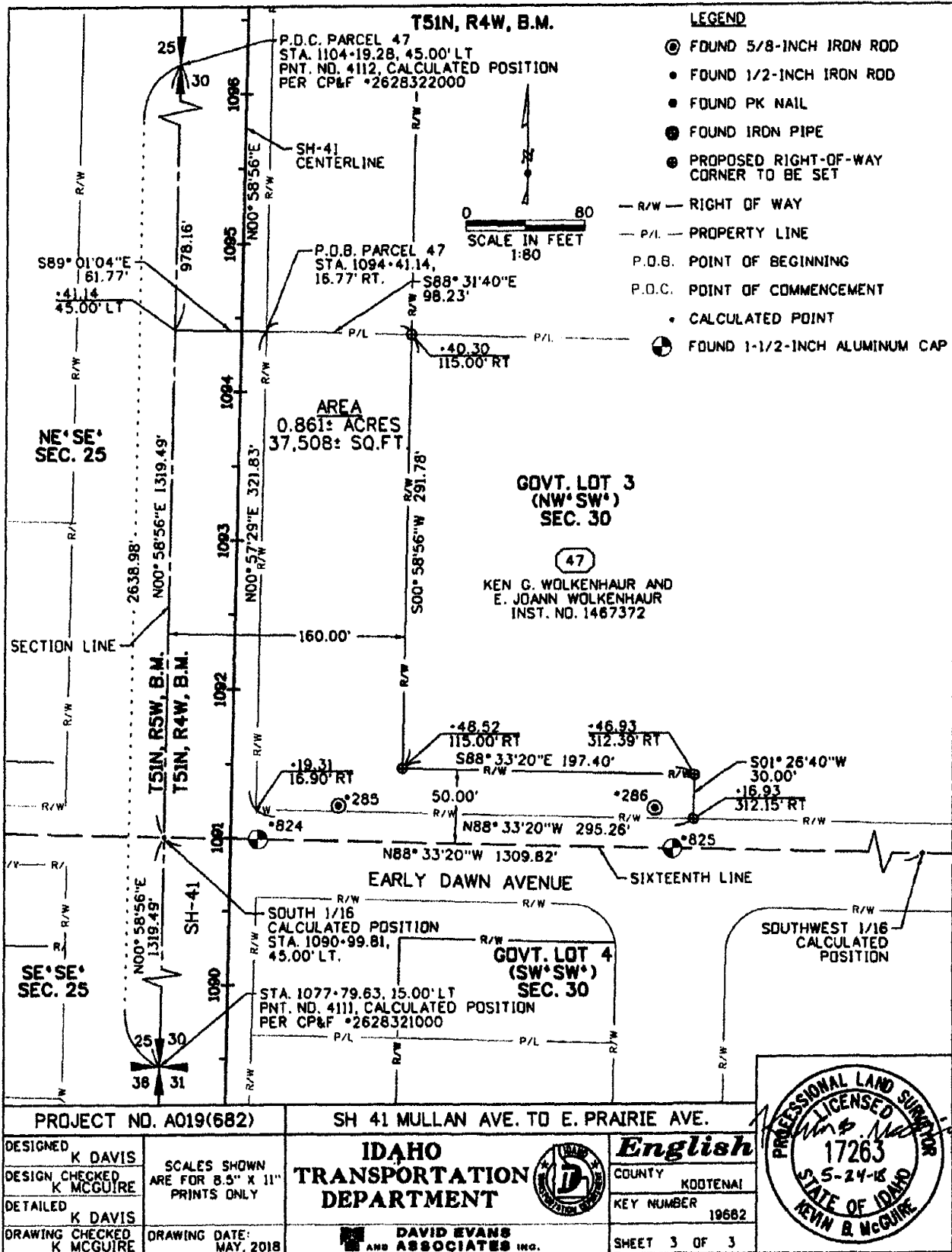
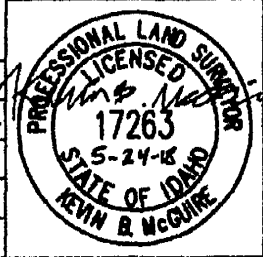


EXHIBIT A



PROJECT NO. A019(682)		SH 41 MULLAN AVE. TO E. PRAIRIE AVE.	
DESIGNED K DAVIS	SCALES SHOWN ARE FOR 8.5" X 11" PRINTS ONLY	IDAHO TRANSPORTATION DEPARTMENT	English COUNTY KOOTENAI KEY NUMBER 19682
DESIGN CHECKED K MCGUIRE			
DETAILED K DAVIS	DRAWING DATE: MAY, 2018	DAVID EVANS AND ASSOCIATES INC.	SHEET 3 OF 3
DRAWING CHECKED K MCGUIRE			



February 8, 2022
W.O. No. 20-2796

City of Post Falls
Attn: Laura Jones
408 N Spokane St
Post Falls, ID 83854

Re: Owner Authorization, Douglas Properties Annexation

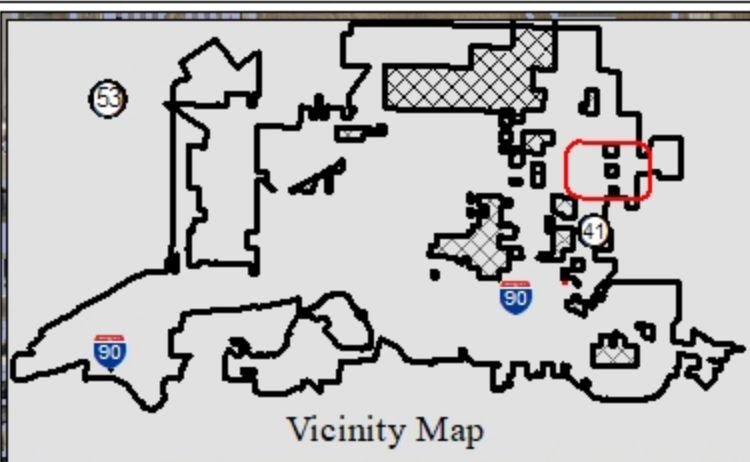
Dear Ms. Jones,

Please consider this letter as authorization for Whipple Consulting Engineers, Inc. to submit and communicate on my behalf as Agent in regards to the annexation of my parcel No. 0-6360-30-042-AA.

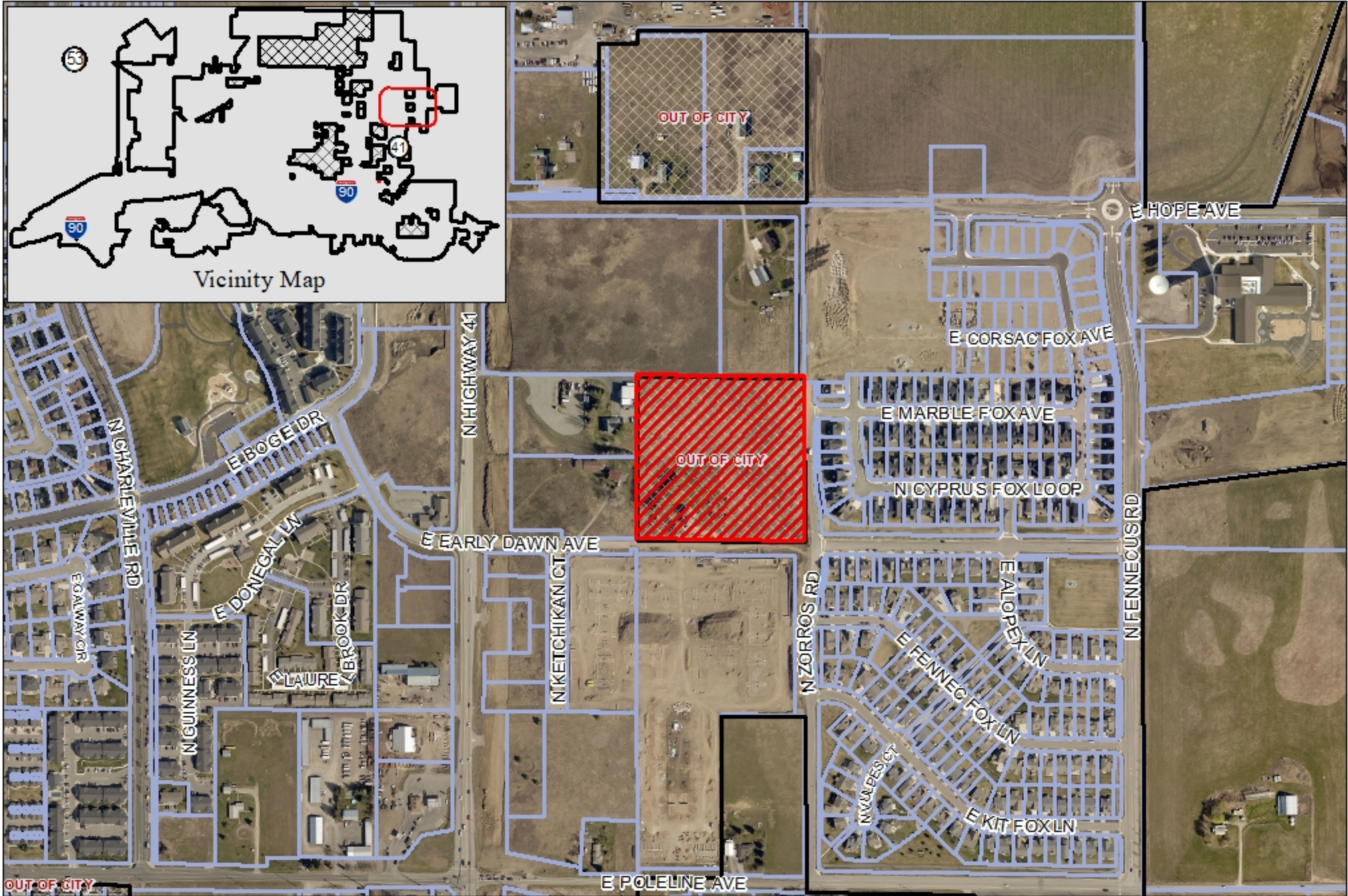
Sincerely,

A handwritten signature in cursive script, appearing to read "Lance G. Douglass".

Lance G. Douglass






Vicinity Map

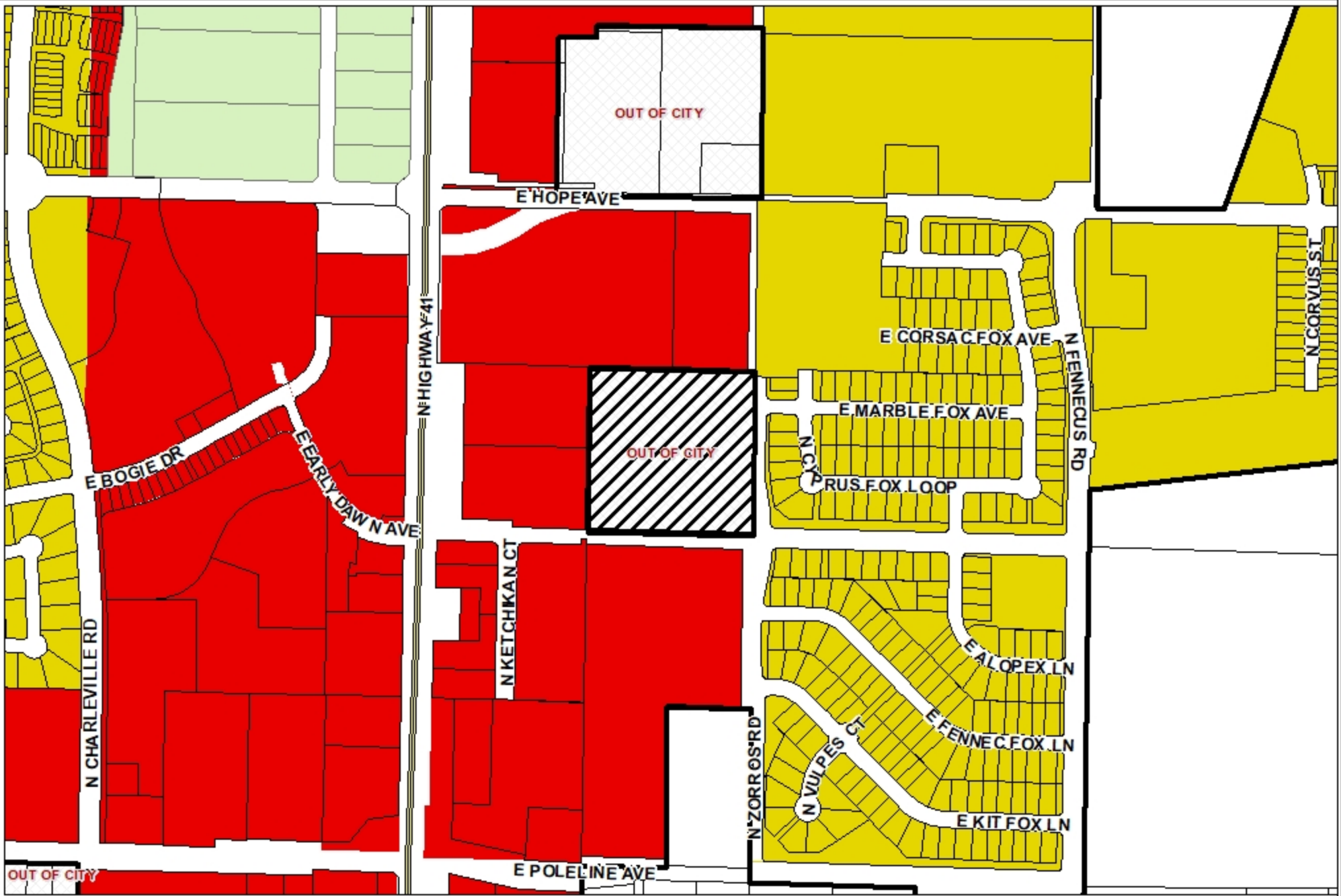


Project Location
 DOUGLAS PROPERTIES
 File # ANNX-0002-2022



-  Subject Site
-  City Boundary
-  Tax Parcels



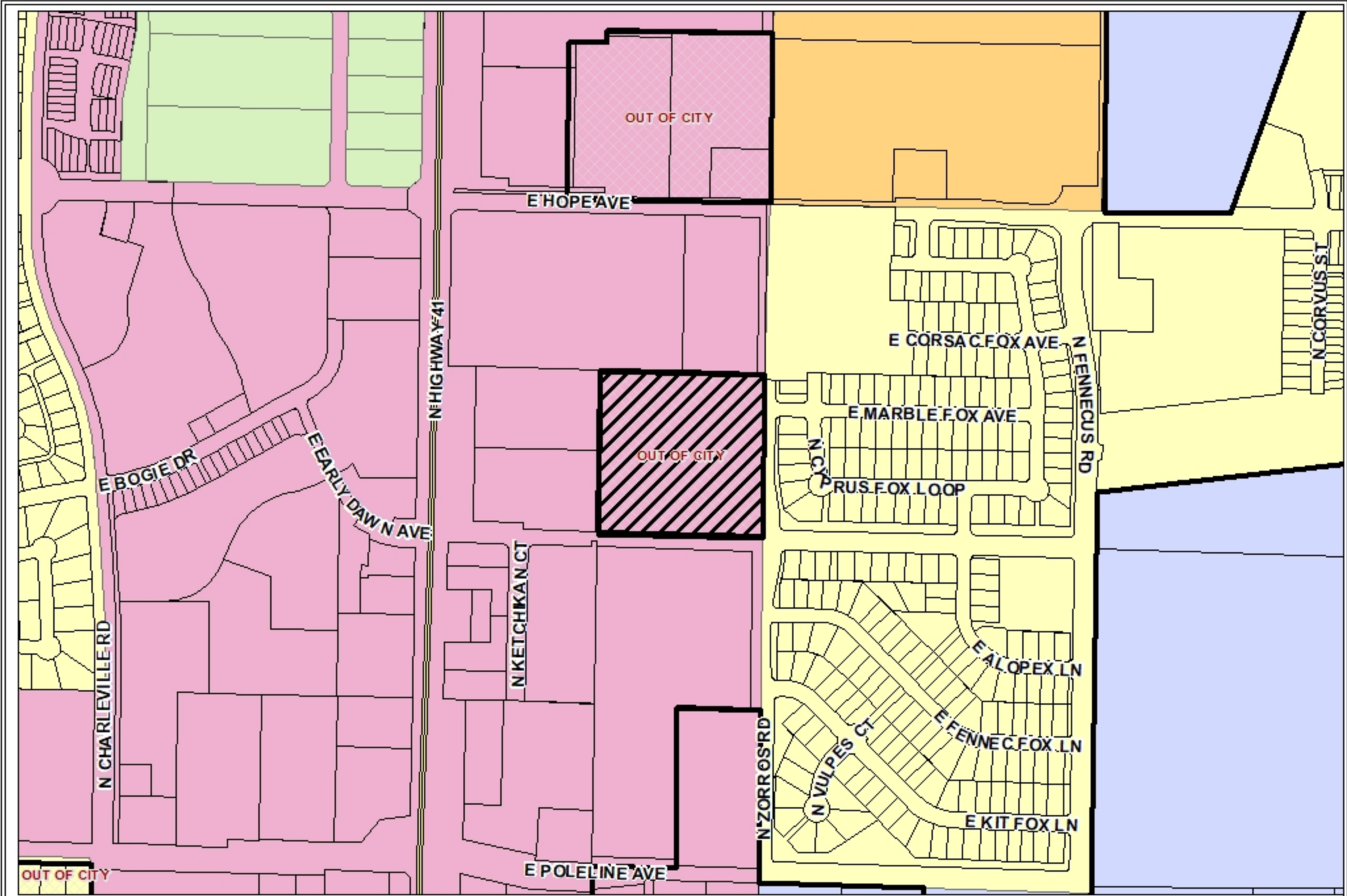


Zoning Map
 DOUGLAS PROPERTIES
 File # ANNX-0002-2022




-  City Boundary
-  Subject Site
-  CCS
-  R-1





Future Land Use Designation
 DOUGLAS PROPERTIES
 File # ANNX-0002-2022



-  City Boundary
-  Subject Site
-  Business/Commercial
-  Transitional
-  Medium Density Residential
-  Low Density Residential



Kootenai County Fire & Rescue

Fire Marshal's Office

1590 E. Seltice Way
Post Falls, ID 83854
Tel: 208-777-8500
Fax: 208-777-1569
www.kootenaifire.com

April 18, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

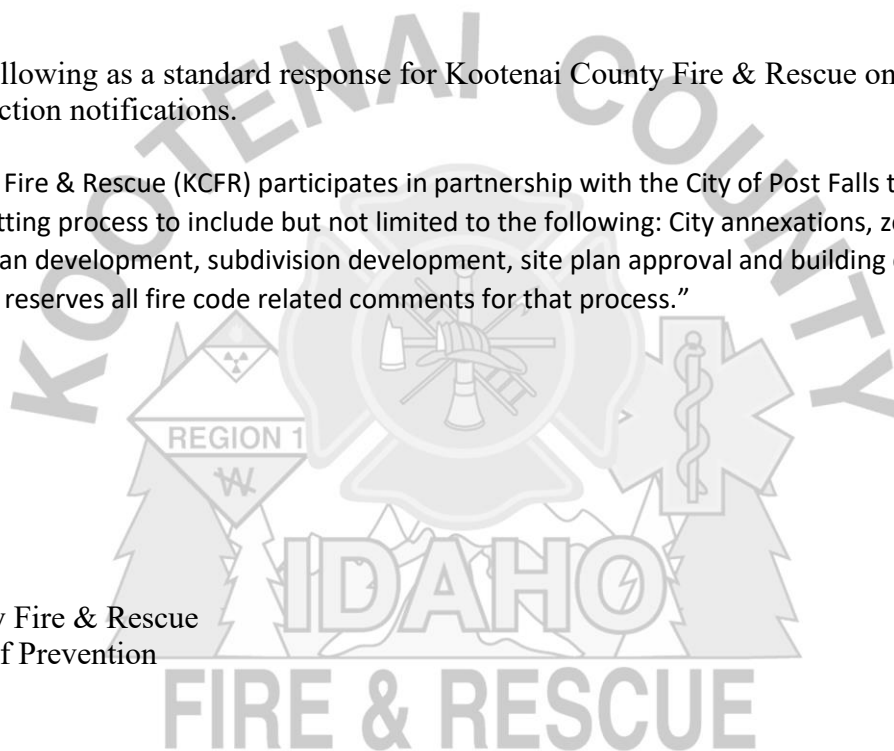
Amber,

Please use the following as a standard response for Kootenai County Fire & Rescue on all applicable Notice to Jurisdiction notifications.

"Kootenai County Fire & Rescue (KCFR) participates in partnership with the City of Post Falls throughout the review and permitting process to include but not limited to the following: City annexations, zoning issues, comprehensive plan development, subdivision development, site plan approval and building construction code compliance. KCFR reserves all fire code related comments for that process."

Respectfully,

Jeryl Archer II
Kootenai County Fire & Rescue
Division Chief of Prevention
Fire Marshal





1717 E Polston Ave. ♦ Post Falls, ID 83854 ♦ Phone (208) 773-3517 ♦ Fax (208) 773-3200

April 18th, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: Douglass Annexation File No. ANNX-0002-2022

The Police Department has reviewed the above listed annexation/subdivision request and will remain Neutral on this project. Please accept this letter as the Police Department's response to this request for both Planning and Zoning as well as City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark J. Brantl".

Mark J. Brantl
Captain
Post Falls Police Department

Amber Blanchette

From: jonie@postfallshd.com
Sent: Tuesday, April 19, 2022 7:13 AM
To: Amber Blanchette
Cc: shannon@postfallshd.com
Subject: RE: Douglass Annexation File No. ANNX-0002-2022

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Amber,
PFHD has no comment.

Regards,

Jonie Anderson
Administrative Assistant 1
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Friday, April 15, 2022 3:43 PM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfallsidaho.org>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erika Auger <eauger@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; Judah Lopez <judah_lopez@tracacanaca.com>; Justin Miller

Amber Blanchette

From: Howard Burns <burns_crew@yahoo.com>
Sent: Tuesday, May 3, 2022 7:32 PM
To: Public Hearing Notice
Subject: Douglass Property Early Dawn Ave Annexation and zone request

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not approve this Annexation and Zone request to CCS UNLESS:

- 1) the applicant agrees not to build any residential structures
- 2) no building within 100 feet of the eastern lot line will be over 45 feet in height and no structure within 50 feet of the eastern lot line be over 35 feet in height....Foxtail residents deserve to have abutting structures no higher than their homes.

Douglass Properties constructed the massive apartment project to the south using the CCS designation. If they want to build apartments, then ask for an annexation with R3 zoning and be straight-forward about what the company constructs.

Howard Burns:

DEVELOPMENT AND ANNEXATION AGREEMENT
Douglass Properties Annexation
(File No. ANNX-0002-2022)

THIS AGREEMENT is made this 17 day of June, 2024, by and between the **City of Post Falls**, a municipal corporation organized and existing pursuant to the laws of the State of Idaho, with its principal place of business at 408 N. Spokane Street, Post Falls, ID, and **Douglass Properties LLC**, a Limited Liability Company organized and existing pursuant to the laws of the State of Washington, with its principal place of business at 1402 Magnesium Rd., Spokane, WA 99217.

WHEREAS, Douglass Properties LLC, (hereinafter the “Owner”) owns a tract of land (hereinafter the “Property”) adjacent to the city limits of the City of Post Falls (hereinafter the “City”), which the Owner wishes to annex and develop within the City; and

WHEREAS, the legal description and depiction of the Property is attached hereto as Exhibit “A”; and

WHEREAS, the Mayor and City Council of the City have determined it to be in the best interests of the City to annex the Property subject to the Owner performing the covenants and conditions in this Agreement.

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: PURPOSE AND DESCRIPTION OF PROPERTY

- 1.1. Purpose: Owner enters into this Agreement in order to obtain annexation of the Property while the City seeks to obtain partial mitigation of the impacts of annexation of the Property on the City. Owner acknowledges that City has no duty to annex the Property and that the promises of Owner contained in this Agreement are an inducement for City to do so. The term “Owner” includes any successor in interest in the Property.
- 1.2. Description of the Property: The Property is generally located east of Highway 41 on the northwest corner of Early Dawn Avenue and Zorros Road and is more particularly described in Exhibit “A”.

ARTICLE II: STANDARDS

- 2.1. Construct to City Standards: Owner agrees that all improvements required by this Agreement or by City codes will be built to City standards or to the standards of any public agency providing service to the Property. Owner agrees to adhere to all City policies and procedures; including, but not limited to sanitary sewer improvements, water lines, fire hydrants, parks, flood works, storm water management, curbs, sidewalks, street

trees, streetlights, pedestrian/bicycle facilities and roads. Such policies include extending utility lines in a manner acceptable to the City to make service available to adjoining lands and limitations on gaining site access from arterial and collector roadways (including the KMPO Critical Access Corridor Policy).

- 2.2. Applicable Standards: Owner agrees that all laws, standards, policies and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City codes are those in effect when construction is commenced. If Owner fails to comply with applicable laws in the course of constructing improvements, public or otherwise, on the Property, the Owner consents to the City withholding further development approvals for the Property including, but not limited to, building permits, certificates of occupancy, site plan approval, and subdivision approval until such compliance is attained. Owner waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City withholding development approval as authorized by this Section.
- 2.3. Inspection and Testing: Owner agrees that it will retain the services of a civil engineer, licensed by the State of Idaho, to perform construction inspection and testing during the construction of all public improvements on the Property. Owner agrees to provide copies of all field inspection reports and test results to the City Engineer accompanied by a certification that the improvements have been installed in compliance with applicable City requirements prior to requesting that the City accept the public improvements for ownership and maintenance. The inspection, testing and certification reports must be provided at no cost to the City. Owner agrees that a representative of the City must be present at the pressure testing of water mains and sanitary sewer mains. Owner agrees to provide the City with at least twenty-four (24) hours-notice before such testing.
- 2.4. As-Built Drawings: Owner agrees to provide accurate “as-built” drawings of public improvements to the City within thirty (30) days of the date of substantial completion of construction of any public improvement on the Property. If as-builts are not provided as required by this Agreement, the Owner agrees that the City may withhold further development approvals for the Property as provided in Section 2.2 and waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City withholding development approvals. The Owner understands and agrees that the City will not accept public improvements for maintenance or allow occupancy of constructed improvements on the Property until accurate “as-builts” are provided and until planned improvements have complied with the inspection requirements contained in Section 2.3 and have been accepted for public maintenance or approved for private use.

ARTICLE III. UTILITIES AND PUBLIC SERVICES

- 3.1. Water: Owner agrees to use a public water supply system for any development of the Property and to pay all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. If water service cannot be obtained from a public water supply system that has the legal authority to provide service to the Property, the Owner may seek to obtain temporary water service from any lawful source whether public or private beginning 90 days after the date that the Owner requested water service from each public water supply system that has legal

authority to serve the Property. Upon public water service becoming available to the Property, Owner will disconnect from the temporary service and connect to the public water service.

- 3.1.1. Water Rights: Prior to commencement of development of the Property, Owner agrees to grant, in a form acceptable to the grantee, to the public water supply system agreeing to provide water service to the Property all water rights associated with the Property in order to assure that the public water supply system has adequate water rights to supply domestic water to the Property.
- 3.2. Wastewater Reclamation: The Owner agrees to use the Post Falls Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. If sanitary sewer capacity cannot be assured within 180 days of the date that service is requested by the Owner, the Owner is temporarily authorized to provide service by resorting to any lawful public or private alternative so long as legal requirements can be met. Upon the availability of treatment capacity, the owner shall disconnect from the temporary service and connect to and divert flows to the public system. Any proposed alternative must not frustrate the progression and continuity of the City's wastewater collection system.
 - 3.2.1. Connection of Existing Structure to Sanitary Sewer Infrastructure: Any existing structures located on the Property at the time of this Agreement that are serviced by a septic system must be connected to the Post Falls Sanitary Sewer system or removed from the Property at the time of any development on the Property and the existing septic system abandoned in compliance with all legal requirements. Owner is solely responsible for the costs of connecting to the sanitary sewer and abandoning the septic system.
 - 3.2.2. Sanitary Sewer Surcharges: Owner acknowledges that the Property is within the 12th Avenue Force Main Surcharge Basin and agrees to pay the sewer surcharges established for the basin to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. The surcharge is based on supplementing the City's existing sewer infrastructure to meet anticipated buildout within the sewer basin, as identified within the Cities Wastewater Collection System Master Plan (May 2019 – Keller Associates) and the NE Quadrant Sewer Study (July 2018 – JUB Engineers). The surcharge is currently established at \$2,918.73 per service unit for the 12th Avenue Force Main. Owner agrees to pay the surcharges at the time of building permit issuance for any structures that will be connected to the City's wastewater collection system. Owner further agrees that the amount of the surcharge will be adjusted annually to account for inflation based on the ENR-CCI Index.
 - 3.2.3. Limitation on Development Based on Sewer Flows: The parties agree that the 12th Avenue Force Main Surcharge is based on the need to construct a force main, as contemplated by Section 3.2.2, from the 12th Avenue Lift Station to the Water Reclamation Facility prior to flows in the Caton Line reaching 2.1 cubic feet per second or the flow rate entering the 12th Avenue lift station reaching 650 gallons per minute,

whichever occurs first. Owner agrees that if the 12th Avenue Force main has not been constructed by the time that the first of these conditions have been reached, the City may withhold approval of further subdivision, building permit, or other development permits for the Property until such time as the 12th Avenue Force Main has been constructed and accepted by the City. Owner waives any and all claims it may have, or acquire, against the City or its officers, employees, or agents arising in any way from the City withholding development permits or approvals as contemplated by this Section 3.2.3.

- 3.3. Maintenance of Private Sanitary Sewer and Water Lines: The Owner acknowledges that the City is not responsible for maintenance of any private sanitary sewer lines or water lines, including appurtenances, within the Property.
- 3.4. Size of Sewer Mains: The Owner agrees to provide on-site sewer lines sized to accommodate the projected flows from the Property and from any upstream property, with no reimbursement for oversizing.
- 3.5. Garbage Collection: The Owner agrees that upon the expiration of the term of any contract to provide garbage collection services to the Property, that the Owner will begin using the garbage collection service in effect with the City of Post Falls.

ARTICLE IV. PUBLIC PROPERTY DEDICATIONS

- 4.1. Rights of Way and Easements: As partial consideration for this Agreement, Owner agrees to dedicate the following grants of rights of way and easements to the City at the time of execution of this Agreement:
 - 4.1.1. By grant of easement in a form acceptable to the City, Owner will grant a 15-foot wide easement along E. Early Dawn Avenue for utilities, sidewalks, and storm drainage.
 - 4.1.2. By grant of easement in a form acceptable to the City, Owner will grant a 10-foot wide easement along N. Zorros Road for utilities, sidewalks, and storm drainage.
 - 4.1.3. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way along E. Early Dawn Avenue for a total right of way width of 80 feet measured from the existing southern right-of-way line of E. Early Dawn Avenue.
 - 4.1.4. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way along N. Zorros Road for a total right of way width of 80 feet measured from the existing eastern right-of-way line of N. Zorros Road.
- 4.2. No Impact Fee Credit for Dedication: Owner agrees that it is not entitled to any credit towards the payment of the City's then currently adopted Impact Fees as a result of its dedication of street right way and easements. As such, Owner waives, on behalf of itself and its successors in interest, any and all claims it may have against the City for not granting an Impact Fee credit relating to the dedication of rights of way and easements as provided in this article. The parties agree that this agreement is entered into in good faith by both parties and is intended to comply with Idaho Code 67-8209(4).

ARTICLE V. CONSIDERATION/FEES

- 5.1. Owner's Consideration: In addition to other consideration contained in this Agreement, Owner agrees to provide specific consideration to the City in the amounts and at the times specified in this Article. The sums specified are deemed by the parties to be reasonable in exchange for benefits provided by the City to the Owners' use and development of the Property, including, but not limited to; public safety, street services, police equipment, community and traffic planning. The following consideration may be used in any manner that the City, in its sole discretion decides.
- 5.2. Annexation Fee: Prior to issuance of a permit for any development on the Property, the Owner, or their successors in interest, must pay the appropriate annexation fee in effect at the time of the issuance of the permit as adopted by the City Council by resolution.
- 5.3. No Extension of Credit: The parties, after careful consideration of the actual burdens on the City, have agreed to a specific timeline in which those burdens will occur. This Article anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City.
- 5.4. Other Fees: Additionally, the Owner agrees to pay all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s) and building permit fees and any applicable impact fees that may be imposed. Fees referred to in this Section are established by City ordinance and/or resolution and arise independent of this Agreement.
- 5.5. City's Consideration: Upon the proper execution and recordation of this Agreement, the City will prepare for passage an annexation ordinance annexing the Property. The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owners' property will occur.

ARTICLE VI. MISCELLANEOUS

- 6.1. Subdivision: The parties acknowledge that in the event the Owner desires to sell a portion of the Property rather than the Property as a whole, that a plat may be necessary. Owner agrees that in the event a plat is necessary, Owner will submit a proper subdivision plat and comply with the subdivision ordinance in effect at the time of the desired division.
- 6.2. 1/8 Mile Local Commercial Access Drive: In addition to the dedication of public rights of way listed above in Section 4.1, Owner agrees to construct a public or private roadway along the western boundary of the Property to provide for north/south traffic circulation meeting the intent of the 1/8 mile local commercial drive recommended in the City's adopted Transportation Master Plan. If the roadway is dedicated as a public street, the Owner will, at the time of development, grant to the City 57.5 feet of right of way along the Property boundary reflecting one half of the required right of way for a local commercial street plus 10 feet. Additionally, the Owner will dedicate an additional 10 foot sidewalk, drainage, and utility easement along the right of way. The roadway must be constructed to City standards.

- 6.3. De-annexation: Owner agrees that in the event the Owner fails to comply with the terms of this Agreement, defaults, or is otherwise in breach of this Agreement, the City may de-annex the Property and terminate utility services without objection from owners, assigns or successors in interest of such portions of the Property as the City in its sole discretion decides. Owner waives, on behalf of itself and any successors in interest, any claims it may have against the City for de-annexing the Property as allowed by this Section.
- 6.4. Owner to Hold City Harmless: The Owner further agrees it will indemnify, defend (in the City's sole option, and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property. Owner further agrees to pay City's legal costs, including reasonable attorney fees in the event this annexation is challenged in a court of law. Payment for City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.
- 6.5. Time is of the Essence: Time is of the essence in this Agreement.
- 6.6. Merger and Amendment: All promises and prior negotiations of the parties' merge into this Agreement and the representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements. The parties agree that this Agreement may only be amended by a written instrument that is signed by both parties. The parties agree that this Agreement will not be amended by a change in law.
- 6.7. Effect on City Code: The parties agree that Agreement is not intended to replace any other requirement of City Code and that its execution does not constitute a waiver of requirements established by City ordinance or other applicable provisions of law.
- 6.8. Recordation: The Owner agrees this Agreement will be recorded by the City at the Owner's expense.
- 6.9. Section Headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the sections to which they apply.
- 6.10. Incorporation of Recitals and Exhibits: The recitals to this Agreement and all exhibits referred to in this Agreement are incorporated herein by this reference and made a part of this Agreement.
- 6.11. Compliance with Applicable Laws: Owner agrees to comply with all applicable laws.
- 6.12. Covenants Run with the Land: The covenants contained herein to be performed by the Owner are binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land.
- 6.13. Promise of Cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a

claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement and if the parties cannot amicably resolve the disagreement, retain a mediator, acceptable to both parties, to mediate a solution to the disagreement.

- 6.14. Severability: Should any provision of this Agreement be declared invalid by a court of competent jurisdiction the remaining provisions continue in full force and effect and must be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.
- 6.15. Enforcement - Attorney's Fees: Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party will be entitled to its reasonable attorney's fees and related costs of enforcement.
- 6.16. Withholding of Development Approvals for Violation of Agreement: Owner agrees, on behalf of itself and its successors in interest, that the City may withhold approval of subdivision, building permit, or any other development permit applications for any portion of the Property that does not comply with the requirements of this Agreement until such time as the development permit is amended to fully comply with the terms of this Agreement. Owner waives, on behalf of itself and its successors in interest, any and all claims Owner may have against the City relating to the City withholding development approvals and agrees to indemnify, defend at the City's sole option, and hold the City harmless from any and all claims from third parties relating to the City withholding development approvals as contemplated by this Section 6.16.

IN WITNESS WHEREOF, the City of Post Falls has caused this Agreement to be executed by its Mayor and City Clerk, and the Owner has executed this Agreement to be effective the day and year first above written.

CITY OF POST FALLS

DOUGLASS PROPERTIES, LLC

By: _____
Ronald G. Jacobson, Mayor

By:  _____
Lance Douglass, Governor

Attest:

Shannon Howard, City Clerk

ACKNOWLEDGEMENTS

STATE OF IDAHO)
 : ss
County of Kootenai)

On this _____ day of _____, 20____, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson and Shannon Howard** known, or identified to me to be the **Mayor and City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

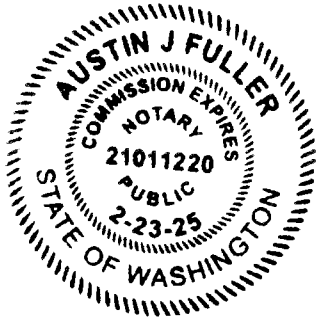
IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
 :ss
County of Kootenai)

On this 17 day of JUNE, 2022, before me, a Notary for the State of Idaho, personally appeared Lanzce Douglass, known, or identified to me to be the **Governor of Douglass Properties LLC**, and the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of Douglass Properties LLC.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.



Austin J Fuller
Notary Public for the State of Idaho
Residing at: Spokane, WA
Commission Expires: 2-23-25

LEGAL DESCRIPTION

The Land is described as follows:

Tract 42, Block 30, Post Falls Irrigated Tracts, according to the plat thereof recorded in Book C of Plats at Page 78, records of Kootenai County, Idaho

- ~~**Steffensen** – 41 is being built and we are starting to see the commercial along 41 with the transition into residential for some time if the future.~~
- ~~2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Steffensen – This was addressed numerous times in testimony for the school.~~
 - ~~3. Zoning is assigned following consideration of such items as street classifications, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
Nothing to add~~
 - ~~4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
Commission – it is right on 41 and Prairie~~
 - ~~5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
Steffensen – The agreement states there will not be residential.~~
 - ~~6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.
Not applicable~~

~~**Carey** – If we leave as is they can build up to 105’.~~

~~**Manley** – The 105’ would be the cap unless they came back before you with a Special Use Permit for the medical, hospitality or vertical use buildings. Unless you add a condition for the 45’ cap.~~

~~**Motion to recommend approval to City Council finding meets approval criteria in the PFMC as outlined in our deliberations and to amend the Development Agreement to include the 45’ height restriction instead of the 105’ height restriction and direct staff to prepare a Zoning Recommendation with a CCM zone -**~~

~~**Steffensen**
2nd by Ward~~

~~**Vote Hampe – Yes; Ward – Yes; Davis – Yes; Carey – Yes; Steffensen - Yes**~~

~~**Moved**~~

- B. **Zoning Recommendation** for Douglass Annexation File No. ANNX-0002-2022 – Ethan Porter, Associate Planner, to present a request for a recommendation to City Council for a zoning designation of Community Commercial Services (CCS) upon annexation of approximately 9.63 acres. The requested action is to recommend Community Commercial Services (CCS) zoning to City Council on 9.63 acres as part of this annexation request. The project location is on the northwest corner of N. Zorros Rd and E. Early Dawn Ave on the east side of Highway 41 to the west of Foxtail. It is currently a large lot residential within Kootenai County and sits above the Rathdrum Prairie Aquifer. The water provider is Ross Point Water District, and the sewer is provided by the City of Post Falls. To the north, west, and south is the Community Commercial Services (CCS) zoning with the R-1 Foxtail development to the east.

Zone Change Review Criteria:

- Future Land Use Map designates this site as Business/Commercial – the implementing zoning districts include the CCS zone. The purpose of the

Business/Commercial is to provide a wide variety of general service, retail, professional office, light industrial, artisan manufacturing and mixed-uses that serve local and regional residents as well as the traveling public. Promotes mixture of moderate/high density housing types within walking distance of the city center, neighborhood center and corridor commercial uses, as well as civic uses and other amenities within Post Falls. The implementing zoning district details the breadth and types of uses that would be permitted within the Business/Commercial area. Supports a mixture of housing types and improves pedestrian connections and promotes compatibility between permitted uses including the Technology Park.

- A couple of the Goals and Policies are outlined in the staff report to name a few are Goals 5, 7 and 12 and the Policies are 7, 8 and 45.
- Streets/Traffic – Early Dawn Ave. and Zorros Rd. are both Minor Collector Roadways, which is not anticipated to have negative impacts from the proposed zone change. Water/Sewer – Ross Point Water District for water service and City of Post Falls for sewer service within the 12th Ave. Force Main Surcharge Basin.
- The proposed zone is located along a Minor Collector roadway and the zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan.
- Request for the Community Commercial Services (CCS) make this criteria not applicable as this is a higher intensity zoning located near a main commercial corridor.
- Not applicable as Industrial zoning isn't being requested.

All agencies have been notified with the Kootenai County Fire and Rescue stated they will comment during the review and permitting process with Post Falls Police Department and Post Falls Highway District remaining neutral.

Steffensen – What would the buffer requirements be for the east side along Foxtail?

Porter – There wouldn't be a buffer as Zorros Rd. would be acting as the buffer.

Steffensen – What is that in feet?

Palus – Zorros is a Minor Collector Roadway the standard right-of-way width for that is 80', Foxtail is providing their right-of-way plus a 5-10' wide tract for a green strip along that side.

Carey – Is Zorros complete along this property already?

Palus – A portion has been completed by the Foxtail Subdivision and will continue to be developed with Foxtail and on the west side of Zorros that will be developed as development comes.

Hampe – Can you explain how much of it has been developed?

Palus – We require the roadway to be developed from centerline plus 10' or a minimum of 28' of roadway. This allows it to be always usable for two-way traffic.

Applicant – Ray Kimball, Whipple Consulting Engineers – It is a little infill pocket and is surrounded by the city. The subject site is within the Business/Commercial designation of the Future Land Use Map. The surrounding zoning is CCS to the north, west, and south this would just fill in the whole. Zorros and Early Dawn are both Minor Collectors and Poleline and Hope are Major Collectors and Highway 41 to the west being a Principal Arterial. The road plus street trees along the east will act as a buffer between this request and the Foxtail Development, the typical buffer would be about 25' we are gaining an 80' buffer. The City of Post Falls has a Transportation Master Plan so that development can pay for itself, development is how our roadways get improvements that are needed plus

at time of permit development also pays for the Impact Fees. This proposal is in conformance with the Goals and Policies of the Comprehensive Plan which was talked about in-depth within the staff report.

Hampe – Is there any construction going on currently nearby? I know what is to the east and it is developed.

Kimball – There is current construction on the south and no current construction to the north or west.

Ward – There are apartments between Early Dawn and Poleline.

Kimball – Correct.

Testimony-

In Favor – None

Neutral – None

In Opposition – None

Steffensen – To confirm, they would need a Special Use Permit if they wanted apartments, correct?

Manley - Correct

Comments-

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.

Steffensen – It is infill right in the middle of other commercial.

Field – It would be good to go into more detail on how it was covered. Even just mentioning what the Future Land Use Map says.

Hampe – It is infill and is consistent with what is there.

Carey – This is commercial within the Future Land Map.

Field – I guess I want you to explain what the Future Land Use Map says and how this zone fits in with it.

Steffensen – Its Business/Commercial and it could be a variety of zoning including CCS. This is an infill pocket and CCS would match what the Land Use Map would allow.

2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.

Hampe – They encourage annexations with county islands and that is what we would be doing with a consistent zoning designation.

3. Zoning is assigned following consideration of such items as street classifications, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Steffensen – In both presentations this type of zoning is perfect for the Highway 41 corridor and to complete the improvements of the roadways and the infrastructure in the area.

4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Hampe – I think Ray covered it.

Steffensen – This is commercial, right in that zone along bigger roads like Highway 41.

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
****Not Applicable****
6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.
****Not applicable****

Motion to recommend approval to City Council finding meets approval criteria in the PFMC as outlined in our deliberation and direct staff to prepare a Zoning Recommendation with a CCS zone - Carey

2nd by Hampe

**Vote Steffensen – Yes; Carey – Yes; Davis – Yes; Ward – Yes; Hampe - Yes
Moved**

Manley – As a note, we have new design standards for commercial uses such as screening requirements, etc.

- ~~7. **Zoning Recommendation** for Mongeau Meadows Annexation and **Review Requested** for Mongeau Meadows Subdivision File No(s). ANNX-0003-2022/SUBD-0003-2022 – Ethan Porter, Associate Planner, to present a request for a recommendation to City Council for a zoning designation of Single-Family Residential (R1) upon annexation of approximately 3.91 acres. Additionally, a subdivision review request of 17 lots. The requested actions are to provide recommendation to City Council for the zoning designations of Single-Family Residential (R-1) on approximately 3.91 acres. Additionally, an approval to subdivide approximately 3.91 acres into 17 lots, contingent on Planning and Zoning recommendation of the zoning designation and annexation approval from City Council. The project location is just south of 16th Ave to the east of N. Quail Run Blvd. and to the west of N. Syringa St. It is currently a large lot residential within Kootenai County and is over the Rathdrum Prairie Aquifer. The water and sewer will be provided by the City of Post Falls. To the north is Single-Family Residential (R-1) zoning, to the west, east, and south is all residential lots within the county.
Zone Change Review Criteria:
 - The Future Land Use Map designates this site as Low-density residential with the R1 zoning called out in the Implementing zoning districts. Central Island focus area promotes infill development in this context area and prioritize annexation opportunities.
 - It is consistent with the Goals and Policies found in the Comprehensive Plan, they are identified within the staff report a couple of the main goals are 5, 7, and 12 and some of the main policies are 1, 2, 8, and 15.
 - 16th Ave. is a Major Collector and can accommodate 4k-12k vehicles per day, which projected volumes for 2035 along this roadway would accommodate. Over the Rathdrum Prairie Aquifer and the proposed zoning is compatible with the land uses anticipated within the City's Master Plans.
 - Not Applicable as they are not requesting commercial or high-density.~~

**Douglass Annexation
File No. ANNX-0002-2022**

**Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Whipple Consulting Engineers

LOCATION: Generally located on the northwest corner of Early Dawn Ave. and Zorros Rd.

REQUEST: Zoning recommendation of Community Commercial Services (CCS) of approximately 9.63 acres AS DEPICTED IN EXHIBIT S-2.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-4 Exhibit Map
4. A-5 Will Serve
5. A-6 Title Report
6. A-8 Auth Letter
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. PA-1 KCFR Comments
11. PA-2 PFPD Comments
12. PA-3 PFHD Comments
13. PC-1 Burns Comments
14. PZ Staff Report
15. Testimony at the May 10, 2022 Planning and Zoning Commission hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the May 10, 2022 public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The public hearing was properly noticed and conducted in accordance with the requirements of Idaho Code Sections 67-6511 and 67-6509, and City Code section 18.20.060. The purpose of the hearing was to afford the applicant and the public the opportunity to provide testimony and documentation to be taken by the Commission in their application of City Code section 18.16.010 and 18.20.100 when making the Commission's recommendation on zoning to the City Council.

Ethan Porter, Associate Planner.

Mr. Porter presented the staff report. He testified that the applicant was seeking a recommendation for an initial zoning of Community Commercial Services (CCS) on 9.63 acres upon the annexation into the City of Post Falls. He explained that the general location is the northwest corner of N. Zorros Rd and E. Early Dawn Ave on the east side of Highway 41 to the west of Foxtail.

Mr. Porter testified that the site is currently large lot residential in the county with no significant topology or vegetation and is over the Rathdrum Prairie Aquifer. He stated that water will be provided by Ross Point Water District, as per the Will Serve Letter, and by the City of Post Falls will provide

sewer service.

Mr. Porter testified that all the land to north, west, and south is zoned CCS and to the east is the Foxtail development of single-family residential. He stated that the Future Land Use Map designates the area as Business/Commercial and CCS is an implementing zoning district. He explained that the purpose of Business/Commercial is to provide a wide variety of general service, retail, professional office, light industrial, artisan manufacturing, and mixed uses to serve local regional residents as well as the traveling public. He stated that it promotes a mixture of moderate high density housing types within walking distance to the city neighborhood center and corridor commercial uses, as well as civic uses and other amenities.

Mr. Porter testified that the principal uses and character of the Business/Commercial zone is to support a mixture of housing types to improve pedestrian connections and promote compatibility between permitted uses and additional uses may be multi-family and technology park uses.

Mr. Porter testified that that this area is within the 41 North focus area, which provides for multi-family, commercial, and tech uses near higher classified roadways as well as providing for pedestrian connectivity to multi-use paths and trails, including the Prairie Trail.

Mr. Porter testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal five, seven, and twelve are possibly relevant and applicable goals. He testified that policies seven, eight, and forty-five as well as those in the staff report may be appropriate for consideration by the Commission.

Mr. Porter testified as to the consideration of such items such as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. He explained that Early Dawn Ave. and Zorros Rd. are both Minor Collector Roadways, which are not anticipated to have negative impacts from the proposed zoning. He stated that Ross Point Water District will provide water and Post Falls will provide sewer services and the property is within the 12th Avenue Surcharge basis so there will be surcharges in this area.

Mr. Porter testified that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He explained that the site is located along higher classified roadways of Zorros and Early Dawn, minor collector roadways which will be in conformance with the anticipated land uses and trip generations within the city's transportation master plan.

Mr. Porter testified that limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. He noted that area is requested as CCS which will be a higher intense urban activity area and they are not requesting limited or neighborhood commercial or lower density residential. He noted that the area is near the Highway 41 commercial corridor.

Mr. Porter testified that the last criteria is inapplicable as there is not a request for industrial zoning.

Mr. Porter testified that there would not be buffer requirements along Foxtail as the Zorros Rd. would be acting as the buffer.

Rob Palus, Assistant City Engineer

Mr. Palus testified that Zorros Rd is classified as a minor collector roadway and the standard right-of-way width for that is eighty feet. He noted that Foxtail has provided their right-of-way plus a 5- to 10-foot-wide tract as a green strip. He explained that a portion of Zorros has been completed by the Foxtail subdivision, it was developed from the centerline plus 10 feet for a minimum 28-foot-wide roadway to be usable for two-way traffic.

Ray Kimball, Whipple Engineering, Applicant

Mr. Kimball testified that the proposal is an infill pocket in the city and is surrounded by the city on all sides. He explained that the subject site is designated as Business/Commercial on the Future Land Use Map. The indicated that to the north, west and south is already CCS and Single Family residential R1 is across Zorros to the east. He testified that they will be filling the hole with CCS.

Mr. Kimball testified as to the compatibility with street classifications, traffic patterns, and existing development, indicating that it is straightforward, with Zorros and Early Dawn, are both minor collectors and a quarter mile to the south is Poleline, which is a major collector. He explained that a quarter mile to the north is Hope which is also a major collector and both Poleline and Hope have traffic signals going in. He noted that the property is an 1/8th mile east of Highway 41. He affirmed that the area is right within a high intensity, high commercial, high traffic area and is surrounded with high classification streets that lend itself for this type of CCS, high density, high intensity use.

Mr. Kimball testified that this is exactly what the second review criterion looks for in that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He advocated that other types of zoning, like low density residential would not be appropriate. He stated that these high classification roads are fairly expensive roads, they have an 80-foot-wide right-of-way and when this develops there will be street trees to act as a buffer as well as the physical space buffer. He noted that the city buffer code between industrial and residential is 25 feet, and this will be 80 feet.

Mr. Kimball expounded that the streets are expensive to build and that is one of the ways that the city obtains, at no cost, a transportation backbone network, which is important as that is the way the city handles its transportation network. He explained that the city has a transportation master plan and that is why when you develop along those minor or major collectors the adjoining property gets to participate in constructing those improvements. He explained that when building permits issue, they also get to provide and pay to the city impact fees so the city gets an extra benefit.

Mr. Kimball testified that the requested zone should be in accordance with the Future Land Use Map and Business Commercial goes hand in hand with CCS. He went on to state that the proposal needs to be consistent with the goals and policies of the Comprehensive Plan, which was covered in depth in their application and project narrative. He professed that it does meet many of those goals and policies in the Comprehensive Plan. He concluded stating that it fills in the red spot that is missing.

Mr. Kimball, in response to a question from the Commission, stated that there is apartment construction going on to the south, there is nothing currently to the north or west. He noted that the apartments are between Poleline and Early Dawn.

Public Testimony:

The hearing was opened for public testimony, none was received.

Questions for Staff:

Jon Manley, Planning Manager.

Mr. Manley, in response to a question from the Commission, stated that in the CCS zone to construct multi-family you need a Special Use Permit which is a separate Public Hearing that goes before the Commission.

C. EVALUATION OF APPROVAL CRITERIA FOR INITIAL ZONING:

C1. Amendments to the zoning map should be in accordance with the Future Land Use Map.

The applicant has requested initial zoning of Community Commercial Services (CCS) on 9.63 acres as part of the annexation into the City of Post Falls. The Future Land Use Map designates this area

as Business/Commercial within the 41 North focus area.

The Commission finds that Community Commercial Service (CCS) zoning district is an implementing zoning district outright.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation is one of the implementing zones the Business/Commercial designation allows, it is an infill site along an existing commercial corridor and fits in with the surrounding area. Therefore, the request would be consistent with the Future Land Use Map.

C2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.

Based on the testimony provided and the staff report, the Commission finds the requested zoning is consistent with the following goals and policies contained in the comprehensive plan:

Goals:

Goal 3: Maintain and improve Post Falls' small-town scale, charm and aesthetic beauty.

Whether newly-arrived or long-term, residents of Post Falls often cite the community's "small-town charm," its modest size, and its valley setting with open space prairie and the Spokane River as attractive features. Due to this, many of the goals, policies and programs contained in the Comprehensive Plan help retain the City's lower-scale, walkable, small-lot development patterns common in early Post Falls, while at the same time, providing for urban growth in other, appropriate areas; support the development of cultural features and activities; and direct land use decisions encouraging infill and thoughtful expansion.

Placing Community Commercial Services at this location is an appropriate area for more intense commercial growth along the HWY 41 Principal Arterial, this provides urban growth in appropriate areas by encouraging infill and thoughtful expansion.

Policies:

Policy 8: Encourage compatible infill development and redevelopment of vacant and under-utilized properties within City limits.

Redevelopment of this area would be considered compatible infill development and is currently under-utilized.

Policy 9: Encourage annexation of County "islands" within the City, with priority given to areas:

- Surrounded by incorporated areas;
This area is surrounded by incorporated areas.
- That have readily available service infrastructure and capacity;
Service infrastructure and capacity is readily available.
- That support increased development intensity near the urban core.
This is increased development intensity near the HWY 41 urban core.

C3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Streets/Traffic:

The Commission finds that the proposed area is adjacent to SH41 (Principal Arterial / State Highway), the highest road classification we have aside from the interstate. The area is along Early Dawn Avenue and Zorros Road which are classified as Minor Collector Roadways with Zorros Road being the 1/4 Mile Backage Roadway to State Highway 41. The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan. The Zone change is not anticipated to have any negative impacts to the City's transportation network that are not previously identified as being mitigated thru collection of Transportation Impact Fees. Development would be required to be consistent with the Annexation and Development Agreement.

Water and Sanitary Sewer:

- Water: Water service is provided by Ross Point Water District. Development would be required to be consistent with the Annexation and Development Agreement.
- Sanitary Sewer: The Owner will be required to use the Post Falls Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. The property is within the 12th Avenue Force Main Surcharge Basin and with development it will be required to pay the sewer surcharges established for the that basin which has been established to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. Development would be required to be consistent with the Annexation and Development Agreement.

Compatibility with Existing Development and Future Uses:

To the north, south, and east is other Community Commercial Services (CCS) zoned lands, there are apartments being constructed to the south. To the west is R-1 single family development which is buffered by Zorros Road. As such, the Commission finds the proposal compatible with existing development and future uses.

Future Land Use Designation:

The Commission finds that the Future Land Use Map, depicts the land use designation for this area as Business/Commercial. The proposed CCS Zone is allowable per the direction of the HWY 41 Focus Area and the road classification of HWY 41 (Principal Arterial).

Community Plans: This is within the Hwy 41 Focus Area within the Post Falls Comprehensive Plan.

Geographic/Natural Features:

The site contains no geographic or other natural features that would affect development of the site.

The Commission finds that this zoning is perfect for the Highway 41 Corridor and will help complete the improvements to roadways and infrastructure in the area. Therefore, the Commission finds that the proposed zoning agrees with base assumptions made in Master Planning as well as other considerations already addressed above and satisfies these criteria.

C4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

The proposed zone is located along higher classified roadways, Early Dawn Ave. and Zorros Rd. are proposed minor collector roadways. The area is also near HW-41 which is classified as a

Principal Arterial. Therefore, the Commission finds that the Proposed Commercial zoning is along streets with a higher road classification, satisfying this criterion.

- C5. **Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.**

The Commission finds that this criterion is not applicable to the request, the proposal is along higher classified roadways and is not for limited commercial or lower density residential, nor is any in the immediate area.

- C6. **Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.**

The Commission finds this criterion inapplicable as there are no industrial uses or industrial zoned properties within the area.

D. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:

ANNX-0002-2022, INITIAL ZONING: Following the public hearing, the Planning and Zoning Commission considered all relevant evidence and comments, a motion to recommend approval of the recommended zoning upon annexation was made, the motion carried a majority of the Commission. The Planning and Zoning Commission hereby recommends that City Council approve the proposal finding that it conforms to the general purpose of the comprehensive plan and meets the applicable approval criteria for applicant's request for 9.63 acres of Community Commercial Services (CCS) upon successful annexation of the property.

7/12/22

Date

Attest

Chairman

NOTICE OF RIGHTS:

Any affected person aggrieved by a final decision of the Planning and Zoning Commission may submit a written notice of appeal along with the required fees in accordance with the City's adopted fee schedule, to the City Clerk for appeal to the Post Falls City Council within fourteen (14) days of the date of the written decision, pursuant to Post Falls City Code 18.20.60.E

The final decision of the Planning and Zoning Commission is not a final decision for purposes of judicial review until the City Council has issued a final decision on appeal and the party seeking judicial review has requested reconsideration of that final decision as provided by Idaho Code 67-6535(2)(b), pursuant to Post Falls City Code 18.20.60.E.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section 67-6535 must first seek reconsideration of the final decision within fourteen (14) days of such decision. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section 67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code Section 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

Kootenai County Fire & Rescue

Fire Marshal's Office

1590 E. Seltice Way
Post Falls, ID 83854
Tel: 208-777-8500
Fax: 208-777-1569
www.kootenaifire.com

July 5, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

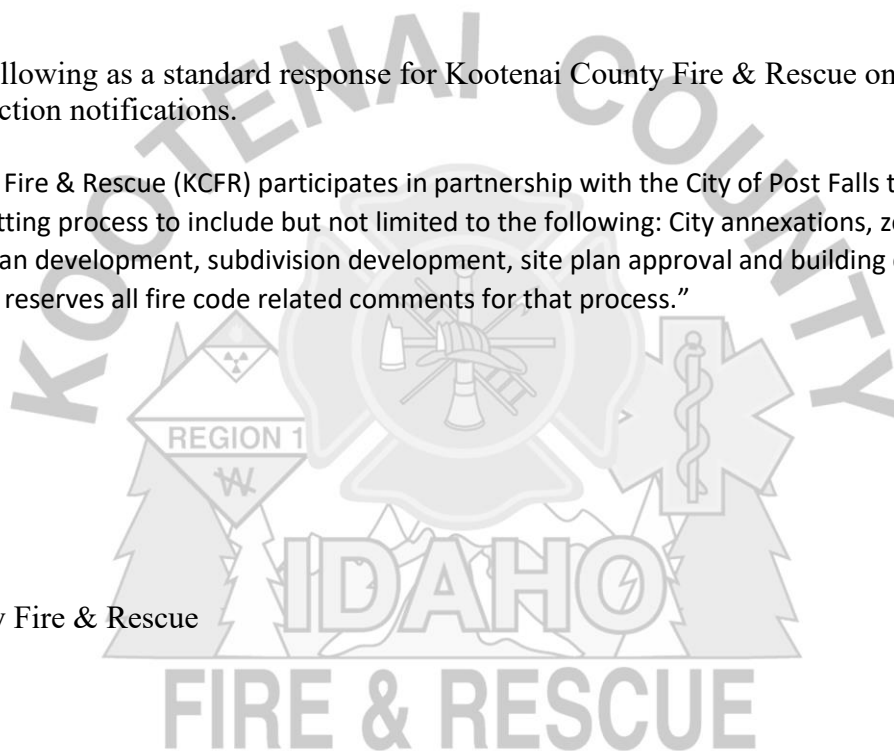
Amber,

Please use the following as a standard response for Kootenai County Fire & Rescue on all applicable Notice to Jurisdiction notifications.

"Kootenai County Fire & Rescue (KCFR) participates in partnership with the City of Post Falls throughout the review and permitting process to include but not limited to the following: City annexations, zoning issues, comprehensive plan development, subdivision development, site plan approval and building construction code compliance. KCFR reserves all fire code related comments for that process."

Respectfully,

Jeryl Archer II
Kootenai County Fire & Rescue
Division Chief
Fire Marshal





POST FALLS

SCHOOL DISTRICT #273

DISTRICT OFFICE
P.O. Box 40
Post Falls, ID 83877
PHONE 208-773-1658
FAX 208-773-3218
www.pfsd.com

June 20, 2022

Robert Seale
Community Development Director
City of Post Falls
408 Spokane Street
Post Falls, ID 83854

Dear Bob,

The purpose of this letter is to restate the status and position of the Post Falls School District regarding growth within the city and school district boundaries. The Post Falls School District will continue to remain neutral regarding proposed developments and will provide additional or modified comments in a timely manner when deemed necessary.

The district has a responsibility through State statute to provide an appropriate education for every student ages 6 through 21 who attend our schools. It is also the district's responsibility to provide an adequate educational program, organizational structure, and facilities.

Though there are pros and cons for new development growth, the district will continue to provide a quality education. The district appreciates the working relationship we have with the City of Post Falls.

With the anticipated growth in future years, the district requests assistance from the Planning Department to acquire school building sites in any large proposed residential developments and support financial mitigation for smaller developments.

The enrollment status and the capacity of each school for the 2021-2022 school year is listed below. (What these enrollment numbers do not include are the anticipated increase of 50 students per elementary school due to full day kindergarten beginning in the fall of 2022.)

The district will review the current long range facility plan this fall. A copy of the current plan is included with this letter.

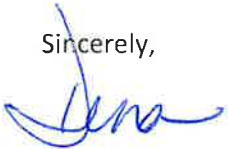
School	2021-2022 Enrollment	Building Capacity
Greensferry Elementary	374	525
Mullan Trail Elementary	340	500
Ponderosa Elementry	420	570
Prairie View Elementary	440	525
Seltice Elementary	440	560

Our school community will develop relationships, skills, and knowledge to become responsible citizens who think critically to solve problems.

Treaty Rock Elementary	415	525
West Ridge Elementary	430	525
Post Falls Middle School	870	920
River City Middle School	630	750
Post Falls High School	1560	1800
New Vision High School	160	225

The school district looks forward to continuing the good working relationship we have with the City of Post Falls. Thank you for your support of the Post Falls School District.

Sincerely,



Dena Naccarato
Superintendent

Cc: Post Falls School District Board of Trustees
Shelly Enderud, City Administrator

Amber Blanchette

From: jonie@postfallshd.com
Sent: Wednesday, July 6, 2022 8:30 AM
To: Amber Blanchette
Subject: RE: Douglass Properties Annexation File No. ANNX-0002-2022

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Post Falls Highway District has no comment

Jonie Anderson
Administrative Assistant 1
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Friday, July 1, 2022 1:18 PM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfallsidaho.org>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <krussell@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>;

Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfallsidaho.org>; lauriep@kootenaifire.com; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller <momiller@quantatelcom.com>; Naomi Tierney <ntierney@postfallsidaho.org>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; Admin <Admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <prestonh@postfallsidaho.org>; Rob Palus <rpalus@postfallsidaho.org>; Robert Seale <rseale@postfallsidaho.org>; Robin Bekkedahl <robin.bekkedahl@avistacorp.com>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfallsidaho.org>; Shelly Enderud <SEnderud@postfallsidaho.org>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephanie Herman <sherman@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Teresa Benner <tbenner@postfallsidaho.org>; Thomas Gwin <thomas.gwin@twcable.com>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfallsidaho.org>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; Joe Malloy <jmalloy@postfallsidaho.org>; Josh Walker <jwalker@postfallsidaho.org>; Kenny Shove <kshove@postfallsidaho.org>; Kerri Thoreson <kerrit@postfallsidaho.org>; Lynn Borders <lborders1@frontier.com>; Ron Jacobson <rjacobson@postfallsidaho.org>; Nathan Ziegler <nziegler@postfallsidaho.org>

Subject: RE: Douglass Properties Annexation File No. ANNX-0002-2022

Good afternoon,

Caught a small error in the last notice to jurisdiction, please see the attached. The draft staff report is now on the city's website.

From: Amber Blanchette

Sent: Friday, July 1, 2022 11:49 AM

To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfallsidaho.org>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jen Cresci <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfallsidaho.org>; lauriep@kootenaifire.com; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn

<marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller <momiller@quantatelcom.com>; Naomi Tierney <ntierney@postfallsidaho.org>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; PFPD <admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <phill@postfallsidaho.org>; Rob Palus <rpalus@postfallsidaho.org>; Robert Seale <rseale@postfallsidaho.org>; Robin Bekkedahl <robin.bekkedahl@avistacorp.com>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfallsidaho.org>; Shelly Enderud <SEnderud@postfallsidaho.org>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephani Peugh <speugh@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Teresa Benner <tbenner@postfallsidaho.org>; Thomas Gwin <thomas.gwin@twcable.com>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfallsidaho.org>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; Joe Malloy <jmalloy@postfallsidaho.org>; Josh Walker <jwalker@postfallsidaho.org>; Kenny Shove <kshove@postfallsidaho.org>; Kerri Thoreson <kerrit@postfallsidaho.org>; Lynn Borders <lborders1@frontier.com>; Mayor Ron Jacobson <rjacobson@postfallsidaho.org>; Nathan Ziegler <nziegler@postfallsidaho.org>

Subject: Douglass Properties Annexation File No. ANNX-0002-2022

Good morning,

Attached is the notice to jurisdiction for the named annexation, for City Council on July 19th. The draft Council Memo will be posted to the city's website shortly.

Have a Happy and Safe 4th of July!

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfallsidaho.org



Fear is an illusion, ready to be overcome...

Privileged / confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or send this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply e-mail. Although this email has been scanned for the possible presence of computer viruses prior to dispatch, we cannot be held responsible for any viruses or other material transmitted with, or as part of, this email without our knowledge.



07/13/2022

PUBLIC COMMENT

Douglass Properties Annexation

File No. ANNX-0002-2022

Exhibit: 2A

Applicant: Whipple Consulting Engineers

Location: Northwest corner of Early Dawn Ave and Zorros Rd.

Request: To annex approx. 9.63 acres with the Community Commercial Services (CCS) zoning designation.

Hearing Date: July 19, 2022

Questions list:

Name: Mary Reuter

Address: 1080 triumph

Email: maryanne2011@live.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: Opposed

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: No

Comments:

2. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.: No

Comments:

3. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.:

Comments:

4. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.:

Comments:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: No

Comments:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: No

Comments:

Subdivision

Please Provide Your Position on the Proposed Subdivision: Opposed

1. Has the subdivision made definite provisions for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed?: No

Comments:

2. Have adequate provisions been made for a public sewage system and can the existing municipal system accommodate the proposed sewer flows?: No

Comments:

3. Are the proposed streets consistent with the transportation element of the comprehensive plan?: No

Comments:

4. Have all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards been identified and are the proposed uses of these areas compatible with such conditions?:

Comments:

5. Is the area proposed for subdivision zoned for the proposed use and do the proposed uses conform to other requirements found in the City Code?:

Comments:

6. Has the developer made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community? It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.: No

Comments:

CITY OF POST FALLS
AGENDA REPORT
Ordinance & Resolutions
MEETING DATE: 7/19/2022

DATE: 7/12/2022 3:24 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Craig Borrenpohl
SUBJECT: Updates to Post Falls Municipal Code Chapter 13.20

ITEM AND RECOMMENDED ACTION:

Request for City Council to approve the updated Post Falls Municipal Code Chapter 13.20.

DISCUSSION:

The proposed Chapter 13.20 was presented to Council on June 21, 2022 for review and comment. No comments were received and therefore the Code is being brought back for adoption. Changes to the existing code were predicated on required and recommended changes by the Idaho Department of Environmental Quality (IDEQ) following their inspection of the City of Post Falls Industrial Pretreatment Program. In summary, the Code was modified to allow for monitoring waivers and reduced compliance reporting. A required modification to the Code was also made to ensure industrial dischargers are immediately reporting slug or accidental discharges to the City.

Further details of the modifications.

Monitoring waivers are a useful tool a control authority may use to ensure sampling and reporting are no more burdensome to a business than necessary to protect the publicly owned treatment works. The modified code would allow industrial users to request a waiver for certain pollutants and show through an industrial process review or sampling data the pollutant would not reasonably be found in process water from the facility. City staff would review any request and, if granted, monitoring may be reduced for the specified pollutants. This often results in lower sampling costs and fewer sampling errors.

Reduced compliance reporting also allows for flexibility in administering the pretreatment program by allowing staff to reduce the compliance reporting frequency to once per year where appropriate for lower volume and low risk users. Existing code requires reporting at a frequency not less than semi-annually.

Protecting the Water Reclamation Facility from discharges which may harm the treatment process or cause a violation of discharge limits will remain the primary focus of administering the industrial pretreatment program. Monitoring waivers and reduced compliance reporting are allowed in Federal and State regulations. Adopting the changes to allow for their use in the City will allow for an efficient program which does not unnecessarily burden our industrial users but remains protective of our treatment works.

Finally, a specific prohibited discharge for Hazardous Waste was added to 13.20.050 to account for recent requirements from EPA to prevent health care industries from discharging hazardous pharmaceuticals into the wastewater collection system.

The presented final code has been reviewed by IDEQ and the City's legal staff to ensure the modifications capture the recommended changes and the code meets new formatting standards.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

APPROVED OR DIRECTION GIVEN:

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

NA

BUDGET CODE:

NA

ORDINANCE NO. 1460

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING TITLE 13, CHAPTER 20 OF THE POST FALLS CITY CODE; ADOPTING A NEW TITLE 13, CHAPTER 20; ESTABLISHING WASTEWATER PRETREATMENT STANDARDS AND PROVIDING FOR ADMINISTRATION, DEFINITIONS AND ABBREVIATIONS; ESTABLISHING PROHIBITED DISCHARGE STANDARDS AND COMPLIANCE AND DISCHARGE PERMIT REQUIREMENTS; AUTHORIZING TRANSFER AND REVOCATION OF DISCHARGE PERMITS; ESTABLISHING REPORTING AND COMPLIANCE MONITORING REQUIREMENTS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING A CIVIL ASSESSMENT OF ONE THOUSAND DOLLARS; PROVIDING THAT A VIOLATION IS AS A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLAR, SIX MONTHS IN JAIL, OR BOTH; PROVIDING AN APPEAL PROCESS; 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

WHEREAS, after recommendation of the Public Works Department on the hereinafter amendments, the Mayor and City Council deem it to be in the best interests of the citizens of the city of Post Falls that the following be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the city of Post Falls as follows:

SECTION 1. That Post Falls Municipal Code Title 13, Chapter 20, entitled Wastewater Discharge Restrictions, is repealed and a new Title 13, Chapter 20, entitled Wastewater Discharge Restrictions, is adopted as follows:

Chapter 13.20

WASTEWATER DISCHARGE RESTRICTIONS

13.20.010: PURPOSE:

This chapter sets forth uniform requirements for users of the *Publicly Owned Treatment Works (POTW)* for the city of Post Falls and enables the city to comply with all applicable State and Federal laws, including the *Clean Water Act* and the *General Pretreatment Regulations*. The objectives of this chapter are:

- A. To prevent the introduction of *Pollutants* into the *POTW* that will interfere with the operation of the *POTW*;
- B. To prevent the introduction of *Pollutants* into the *POTW* which will *Pass Through* the *POTW*, inadequately treated, into receiving waters or otherwise be incompatible with the *POTW*;
- C. To ensure that the quality of the *Wastewater Treatment Plant* sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect *POTW* personnel who may be affected by *Wastewater* and sludge in the course of their employment and to protect the general public; and
- E. To improve the opportunity to recycle and reclaim *Wastewater* and sludge from the *POTW*.

This chapter shall apply to all *Industrial Users* of the *POTW*, as defined in this chapter.

13.20.020: ADMINISTRATION:

Except as otherwise provided herein, the *Director* is authorized to administer, implement, and enforce the provisions of this chapter. Any authority granted to the *Director* may be delegated by the *Director* to other city personnel.

13.20.030: DEFINITIONS:

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

ACT (or "THE ACT"). The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. .

APPLICABLE PRETREATMENT STANDARDS. For any specified pollutant, city prohibitive standards, city specific pretreatment standards (local limits), State of Idaho pretreatment standards, or EPA's Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

APPROVAL AUTHORITY. Idaho Department of Environmental Quality.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(1) If the Industrial User is a corporation:

(a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities,

provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the Industrial User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Section 13.20.050 of this chapter. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of this chapter and 40 CFR 403.5(c)(4).

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Celsius (20°C), usually expressed as a concentration [milligrams per liter (mg/L)].

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER. An Industrial User regulated by one or more of EPA's Categorical Pretreatment Standards.

CLEAN WATER ACT. (See definition of Act)

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

COOLING WATER, NON-CONTACT. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Non-contact cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling, or refrigeration to which the only pollutant added is heat.

DIRECTOR. The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, the Director of Public Works, or a duly authorized representative.

DOMESTIC SOURCE. A source of domestic (sanitary) wastewater from residential sources including but not limited to wastewater from kitchen, bath and laundry facilities; or wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, drinking fountains, noncommercial sinks and similar structures) of commercial, industrial, or institutional buildings, provided that the wastewater exhibits characteristics that are similar to those of wastewater from normal residential activities.

GENERAL PRETREATMENT REGULATIONS. The regulations contained in 40 CFR Part 403.

GRAB SAMPLE. An individual sample of at least 150 mL collected over a period not exceeding 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

INDUSTRIAL USER. A source of Indirect Discharge.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's IPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or more stringent State or local regulations.

MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration or loading of a pollutant allowed under Section 13.20.080 of this chapter to be discharged.

MEDICAL WASTES. Isolation wastes, infectious agents, human blood and blood products,

pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NEW SOURCE.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting criteria (1)(b) or (c) above in this definition of New Source, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's IPDES permit (including an increase in the magnitude or duration of a violation).

PERMITTEE. A person or industrial user issued a wastewater discharge permit.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

PH (or pH). A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENT. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a National Pretreatment Standard.

PRETREATMENT STANDARD, NATIONAL PRETREATMENT STANDARD, OR STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances, which appear in Section 13.20.050 of this chapter.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). The term also means the city having jurisdiction over the indirect discharges to and the discharges from such a treatment works.

SEPTIC TANK AND CHEMICAL TOILET WASTE. Any sewage from holding tanks such as

vessels, chemical toilets, recreational vehicles, campers, trailers, and septic tanks.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present. "Wastewater" and "sewage" are synonymous and interchangeable.

SEWER. Any pipe, conduit, or other device used to collect and transport sewage from the generating source.

SIGNIFICANT INDUSTRIAL USER.

(1) Except as provided in paragraphs (2) and (3) of this section, the term Significant Industrial User means:

(a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the POTW on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) The POTW may determine that an Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to the POTW's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (1)(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the POTW may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

SLUG LOAD. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Sections 13.20.050 through 13.20.080 of this chapter, or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

SOLID WASTE DISPOSAL ACT. The regulations in 42 U.S.C 6901, et seq.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation.

TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering in accordance with procedures approved in 40 CFR 136, as amended.

WASTEWATER. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER DISCHARGE PERMIT (INDUSTRIAL WASTEWATER DISCHARGE PERMIT, DISCHARGE PERMIT). An authorization or equivalent control document issued by the city to Industrial Users discharging wastewater to the POTW. The permit may contain appropriate Pretreatment Standards and requirements as set forth in this chapter.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT. That portion of the POTW which is designed to provide treatment of municipal wastewater.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

The use of the terms “must”, “shall”, and “will” indicate a mandatory requirement while the word "may" indicates permissive discretion may be used.

13.20.040: ABBREVIATIONS:

The following abbreviations shall have the designated meanings:

ASPP	Accidental Spill Prevention Plan
BMP	Best Management Practice
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency

GPD	gallons per day
IDEQ	Idaho Department of Environmental Quality
L	liter
LEL	Lower Explosive Limit
mg/L	milligrams per liter
IPDES	Idaho Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classifications
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act
TRC	Technical Review Criteria
TSS	Total Suspended Solids
USC	United States Code

13.20.050: PROHIBITED DISCHARGE STANDARDS:

A. General Prohibitions:

1. No *Person* shall introduce or cause to be introduced into the *POTW* any *Pollutant* or *Wastewater* which causes *Pass Through* or *Interference*. These general prohibitions apply to all *Industrial Users* of the *POTW* whether or not they are subject to *Categorical Pretreatment Standards* or any other National, State, or local *Pretreatment Standards* or requirements.
2. Surface water and all other drainage shall be *Discharged* to such *Sewers* as are specifically designated as storm *Sewers*, or to surface water system components whether private or public in accordance with Title 13, Chapter 44 of this code.

B. Specific Prohibitions: No *Person* shall introduce or cause to be introduced into the *POTW* the following *Pollutants*, substances, or *Wastewater*:

1. *Pollutants* which create a fire or explosive hazard in the *POTW*, including, but not limited to, wastestreams with a closed-cup flash point of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR 261.21;
2. *Wastewater* having a *pH* less than six (6) or more than ten (10), or otherwise causing corrosive structural damage to the *POTW* or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the *POTW* resulting in *Interference* but in no case industrial *Discharges* with solids greater than one-half inch (1/2”) in any dimension;
4. *Pollutants*, including oxygen-demanding *Pollutants* (*BOD*, etc.), released in a *Discharge*

at a flow rate and/or *Pollutant* concentration which, either singly or by interaction with other *Pollutants*, will cause *Interference* with the *POTW*;

5. *Wastewater* having a temperature which will inhibit biological activity in the *Treatment Plant* resulting in *Interference*, but in no case *Wastewater* which causes the temperature at the introduction into the *Treatment Plant* to exceed one hundred four degrees Fahrenheit (104°F) (40°C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause *Interference* or *Pass Through*;
7. *Pollutants* which result in the presence of toxic gases, vapors, or fumes within the *POTW* in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled *Pollutants*, except at *Discharge* points designated in writing by the *Director*;
9. Noxious or malodorous liquids, gases, solids, or other *Wastewater* which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the *Sewers* for maintenance or repair;
10. *Wastewater* containing any radioactive wastes or isotopes except as specifically approved by the *Director* in compliance with applicable local, state or federal regulations;
11. *Industrial User* sources of *Storm Water*, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, *Non-Contact Cooling Water*, and unpolluted *Wastewater*, unless specifically authorized in writing by the *Director*;
12. Any sludges, screenings, or other residues from the *Pretreatment* of industrial wastes or from industrial processes;
13. *Medical Wastes* that may cause or contribute to *Pass Through*, *Interference*, or violate any *Pretreatment Standard* or Requirement;
14. *Wastewater* causing, alone or in conjunction with other sources, the *Treatment Plant's* effluent to fail a Whole Effluent Toxicity (WET) test required by the city's IPDES permit;
15. Detergents, surface-active agents, or other substances which cause excessive foaming, inhibition, or *Pass Through* in the *POTW*;
16. Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the *POTW* or to the operation of the *POTW*. At no time shall two (2) successive readings on an explosion meter, at the point of *Discharge* into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter;
17. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails,

whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

18. Any substance which will cause the *POTW* to violate its IPDES and/or other disposal system permits;
19. The contents of any tank or other vessel owned or used by any *Person* in the business of collecting or pumping *Sewage*, effluent, *Septic Tank and Chemical Toilet Waste*, or other *Wastewater* unless said *Person* has first obtained written authorization from the *Director* and complied with the testing and other requirements specified by the *Director*;
20. Pesticides in concentrations exceeding the water quality standards of the State of Idaho, IDAPA 58.01.02;
21. *Sewage* sludge, except in accordance with the city's IPDES permit, providing that it specifically allows the *Discharge* to surface waters of *Sewage* sludge *Pollutants*;
22. A *Slug Load* as defined in Section 13.20.030 of this chapter;
23. Any *Pollutant* directly into a utility access hole or other opening in the *POTW* unless specifically authorized by the *Director* or otherwise permitted under this chapter;
24. Water containing PCBs in excess of 3 µg/L;
25. Hazardous Waste: Any hazardous waste as defined in rules published by the state of Idaho or in 40 CFR 261, including hazardous waste mixed with domestic waste under EPA's domestic sewage exemption (DSE) rule through direct or indirect connections to the wastewater collection system.

Pollutants, substances, or *Wastewater* prohibited by this section shall not be processed or stored in such a manner that they could be *Discharged* to the *POTW*.

13.20.060: FEDERAL CATEGORICAL *PRETREATMENT* STANDARDS:

All *Industrial Users* subject to a *Categorical Pretreatment Standard* must comply with all requirements of such standard and must also comply with any limitations contained in this chapter. Where the same *Pollutant* is limited by more than one *Pretreatment Standard*, the limitations which are more stringent shall prevail. Compliance with *Categorical Pretreatment Standards* must be in the timeframe specified in the applicable *Categorical Pretreatment Standard*.

13.20.070: STATE REQUIREMENTS:

All *Industrial Users* must meet the applicable state requirements and limitations, if any, on *Discharges* to the *POTW* when those limitations are more stringent than federal requirements and limitations or those in this chapter.

13.20.080: LOCAL LIMITS:

The following *Pollutant* limits are established to protect against *Pass Through* and *Interference*. No *Industrial User* shall *Discharge Wastewater* containing *Pollutant* levels in excess of the following daily *Maximum Allowable Discharge Limits*. No permit shall be issued which causes the net permitted *Industrial User* loading to exceed the Maximum Allowable Industrial Loading (MAIL).

Parameter	Concentration (mg/L) Daily Maximum Limit
Ammonia, monthly average	Case-by-Case
Ammonia, daily maximum	Case-by-Case
CBOD, monthly average	Case-by-Case
CBOD, daily maximum	Case-by-Case
TSS, monthly average	Case-by-Case
TSS, daily maximum	Case-by-Case
Phosphorus, monthly average	Case-by-Case
Phosphorus, daily maximum	Case-by-Case
Arsenic	0.123
Cadmium	0.066
Chromium	1.953
Copper	0.651
Cyanide	0.768
Lead	0.088
Mercury	0.070
Silver	0.149
Zinc	0.251

The local limits in the above section apply at the point where the *Wastewater* is *Discharged* to the *POTW* (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The *Director* may impose mass limitations in addition to, or in place of, the concentration-based limitations above upon a written finding by the *Director* that such mass limitations are warranted to meet the purpose of this chapter or as provided in Section 13.20.100. Where an *Industrial User* is subject to a *Categorical Pretreatment Standard* and a local limit for a given *Pollutant*, the more stringent limit or *Applicable Pretreatment Standard* shall apply.

Whenever determined appropriate, the *Director* may develop *Best Management Practices (BMPs)* for general application, in individual *Discharge Permits* or general *Discharge Permits*, to implement local limits and the requirements of this chapter and require documentation of

compliance. Failure to follow such requirements is a violation of this chapter.

13.20.090: SPECIAL AGREEMENT:

The *Director* is authorized to enter into special agreements with *Industrial Users* setting out special terms under which they may *Discharge* to the *POTW*. In no case will a special agreement waive compliance with a *Categorical Pretreatment Standard* or federal *Pretreatment* requirement. However, *Industrial Users* may request a net/gross adjustment to a *Categorical Standard* in accordance with 40 CFR 403.15. They may also request a deviation from the *Categorical Pretreatment Standard* from the *Approval Authority* in accordance with 40 CFR 403.13 or any superseding amendments thereto.

13.20.100: DILUTION:

No *Industrial User* shall increase the use of process water, or in any way attempt to dilute a *Discharge*, as a partial or complete substitute for adequate treatment to achieve compliance with an *Applicable Pretreatment Standard* or requirement unless expressly authorized by an *Applicable Pretreatment Standard* or requirement. The *Director* may impose mass limitations on *Industrial Users* which, based on facility inspections, records, or other evidence they find, are using dilution to meet *Applicable Pretreatment Standards* or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.20.110: PRETREATMENT FACILITIES:

Industrial Users must provide necessary *Wastewater* treatment as required to comply with this chapter and must achieve compliance with all *Applicable Pretreatment Standards* and requirements set out in this chapter within the time limitations specified by the EPA or the city, whichever is more stringent. Any facilities required to pretreat *Wastewater* to a level acceptable to the city must be provided, operated, and maintained at the *Industrial User's* expense. Detailed plans showing the *Pretreatment* facilities and operating procedures shall be submitted to the city for review and must be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the *Industrial User* from the responsibility of modifying the facility as necessary to produce a *Discharge* acceptable to the city under the provisions of this chapter.

13.20.120: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS:

Compliance by existing sources covered by *Categorical Pretreatment Standards* shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The city shall establish a final compliance deadline date for any existing *Industrial User* not covered by *Categorical Pretreatment Standards* or for any *Categorical Industrial User* when the local limits for said *Industrial User* are more restrictive than the federal

Categorical Pretreatment Standards.

New Sources and new *Industrial Users* are required to comply with *Applicable Pretreatment Standards* within the shortest feasible time, not to exceed ninety (90) days from the beginning of *Discharge*. *New Sources* and new *Industrial Users* must install, have in operating condition, and must start up all pollution control equipment required to meet *Applicable Pretreatment Standards* before beginning to *Discharge*.

Any *Wastewater Discharge Permit* issued to a *Categorical Industrial User* will include a compliance date consistent with any deadline date established in EPA's *Categorical Pretreatment Standards*. Any other existing *Industrial User* or a *Categorical Industrial User* that must comply with a more stringent local limit which is in non-compliance with any local limits shall be provided with a compliance schedule with milestones not to exceed twelve (12) months for a total of five (5) years placed in an industrial *Wastewater* permit to ensure compliance within the shortest time feasible.

13.20.130: ADDITIONAL PRETREATMENT MEASURES:

- A. Whenever deemed necessary to protect the *POTW* from *Interference*, *Pass Through*, *Slug Load*, or other potentially harmful effects, the city may require *Industrial Users* to apply for and obtain a *Discharge Permit*, restrict their *Discharge* during peak flow periods, designate that certain *Wastewater* be *Discharged* only into specific *Sewers*, relocate and/or consolidate points of *Discharge*, separate *Sewage* wastestreams from industrial wastestreams, install treatment including storage or flow-equalization facilities, submit timely and factual reports from the *Industrial User* responsible for such *Discharge*, pay any additional cost or expense incurred by the city for handling, treating, disposing, or remediation as a result of wastes *Discharged* to the *Wastewater* treatment system, and such other conditions as may be necessary to protect the *POTW* and determine the *Industrial User's* compliance with the requirements of this chapter.
- B. The *Industrial User* must provide grease, oil, or sand interceptors when the *POTW* has notified the *Industrial User* that such interceptors are necessary to protect the *POTW* from *Interference*, *Pass Through*, *Slug Load*, or other potentially harmful effects of excessive *Discharges* of grease, oil, or sand, except that such interceptors are not required of *Domestic Sources*. All interceptors must be of a type and capacity approved by the city and must be so located to be easily accessible for cleaning and inspection. Such interceptors must be inspected, cleaned, and repaired regularly, as needed to protect the *POTW*, by the *Industrial User* at its expense.
- C. *Industrial Users* with the potential to *Discharge* flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.20.140: ACCIDENTAL SPILL PREVENTION PLANS:

The city may require any *Industrial User* to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the city based on a technical evaluation of the *Industrial User's Discharge* or process facilities to prevent accidental *Discharge* or *Slug Load of Pollutants* which shall be provided and maintained at the *Industrial User's* cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection must be submitted to the city for review and approval before implementation. *Industrial Users* that have been notified by the city to develop an ASPP or slug control plan must submit said plan to the city within ninety (90) days after notification. Each *Industrial User* must implement its ASPP and slug control plan as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the *Industrial User* from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

A. Any *Industrial User* required to develop and implement an accidental spill prevention or slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of *Discharge* practices, including non-routine batch *Discharges*;
2. Description of stored chemicals;
3. Procedures for immediately notifying the *POTW* of any accidental or slug *Discharges*. Such notification must also be given for any *Discharge* which would violate any of the standards in Sections 13.20.050 through 13.20.080 of this chapter; and
4. Procedures to prevent adverse impact from any accidental or slug *Discharge*. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and measures or equipment for emergency response.

B. *Industrial Users* must notify the *POTW* immediately, but no later than twenty-four (24) hours, after the discovery of a slug or accidental *Discharge* of substances regulated by this chapter. The notification must include location of *Discharge*, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected *Industrial User* shall be liable for any expense, loss, or damage to the *POTW*, in addition to the amount of any fines imposed on the city on account thereof under state or federal law. Within five (5) days following an accidental *Discharge*, the *Industrial User* must submit to the *Director* a detailed written report describing the cause of the *Discharge* and the measures to be taken by the *Industrial User* to prevent similar future occurrences. Such notification shall not relieve the *Industrial User* of any expense, loss, damage, or other liability which may be incurred as a result of damage to the *POTW*, fish kills, or any other damage to person or property nor shall such notification relieve the *Industrial User* of any fines, civil penalties, or other liability which may be imposed

by this chapter or other applicable law.

- C. *Industrial Users* must resample within thirty (30) days of a *Slug Load* or accidental *Discharge* to demonstrate compliance with the local limits and permitted *Discharge* parameters.
- D. Signs must be permanently posted in conspicuous places on the *Industrial User's* premises advising employees whom to call in the event of a *Slug Load* or accidental *Discharge*. Employers must instruct all employees who may cause or discover such a *Discharge* with respect to emergency notification procedures.

13.20.150: SEPTIC TANK WASTES:

It is unlawful to *Discharge Septic Tank and Chemical Toilet Waste* into the city's *Wastewater* collection system without written authorization by the *Director*.

13.20.160: WASTEWATER DISCHARGE PERMITS:

No *Significant Industrial User* shall *Discharge Wastewater* into the *POTW* without first obtaining a *Wastewater Discharge Permit* from the city. Other *Industrial Users* do not need to apply for a permit unless required to do so by the city based on a technical review of the potential for the *Discharge* to exceed a *Pretreatment Standard* or *Pretreatment Requirement*, or cause or contribute to *Pass Through* or *Interference* of the *POTW*.

13.20.170: WASTEWATER DISCHARGE PERMITTING, EXISTING SIU:

Any *SIU* that was discharging *Wastewater* into the *POTW* prior to the effective date of this chapter and that wishes to continue such *Discharges* in the future shall, within ninety (90) days after notification by the *Director*, submit a permit application to the city in accordance with this chapter and shall not cause or allow *Discharges* to the *POTW* to continue after one hundred eighty (180) days after the effective date of this chapter except in accordance with a *Wastewater Discharge Permit* issued by the city.

13.20.180: WASTEWATER DISCHARGE PERMITTING, NEW SOURCE AND NEW USER:

At least ninety (90) days prior to the anticipated start-up, any new *SIU* and any *New Source* so required by the city shall apply for a *Wastewater Discharge Permit* and will be required to submit to the city at least the information listed in paragraphs A. through E. of Section 13.20.190. Such *New Sources* or new *SIUs* shall not *Discharge* without first receiving a *Wastewater Discharge Permit* from the city. Such *New Sources* and new *SIUs* shall also be required to include in their application information on the method of *Pretreatment* they intend to use to meet *Applicable Pretreatment Standards*. Such *New Sources* and new *SIUs* shall give estimates of the information requested in paragraphs D. and E. of Section 13.20.190 of this chapter.

13.20.190: WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS:

All *Industrial Users* required to obtain a *Wastewater Discharge Permit* must submit an application in a form provided by the city and must include the following information. *Categorical Industrial Users* must also comply with the baseline report requirements pursuant to 40 CFR 403.12(b), or any superseding amendments thereto.

A. Identifying information. The name and address of the facility including the name of the operator and owners;

B. Permits. A list of all environmental control permits held by or for the facility;

C. Description of operations. A brief description of the nature, average rate of production, and *Standard Industrial Classification* of the operation(s) carried out by such *Industrial User*, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be *Discharged* to the *POTW*; a review of the *Categorical Industrial User* criteria and analysis of whether the user falls into one or more categories, number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; the on- or off-site storage capacity for *Wastewater*; any planned process changes for the next three (3) years; type and amount of raw materials processed (average and maximum per day); and the time and duration of *Discharges*. This description should also include a schematic process diagram which indicates points of *Discharge* to the *POTW* from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all *Sewers*, *Sewer* connections, utility access holes, sampling chambers and appurtenances by size, location and elevation.

D. Flow Measurement.

1. *Categorical Industrial User*: Information showing the measured average daily and maximum daily flow, in gallons per day, to the *POTW* from each of the following:

a. Regulated or manufacturing process streams; and

b. Other streams as necessary to allow use of the combined wastestream formula pursuant to 40 CFR 403.6(e), or any superseding amendments thereto.

2. Non-Categorical *Industrial User*: Information showing the measured average daily and maximum daily flow, in gallons per day, to the *POTW* from each of the following:

a. Total process flow, Wastewater Treatment Plant flow, total plant flow or individual manufacturing process flow as required by the Director. Verifiable estimates of these flows may be allowed where it is justified by cost or feasibility considerations.

E. Measurements of pollutants.

1. *Categorical Industrial User*:

a. Identify the *Applicable Pretreatment Standards* for each regulated or manufacturing

process.

- b. The results of sampling and analysis identifying the nature and concentration (or mass where required by the *Categorical Pretreatment Standard* or as required by the city) of regulated *Pollutants* (including standards contained in 13.20.050 through 13.20.080, as appropriate) in the *Discharge* from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations and must conform to sampling and analytical procedures in Sections 13.20.380 and 13.20.390 of this chapter.
- c. A minimum of one representative sample must be taken to compile the data necessary to comply with the requirements of this section. Additional samples may be required by the city as necessary to accurately characterize the waste stream.
- d. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), or any superseding amendment thereto, for a *Categorical Industrial User*, this adjusted limit along with supporting data must be submitted as part of the application.

2. Non-Categorical *Industrial User*

- a. Identify the *Applicable Pretreatment Standards* for its *Wastewater Discharge*.
 - b. Submit the results of sampling and analysis identifying the nature and concentration in the *Discharge* (or mass where required by the city) of regulated *Pollutants* contained in 13.20.050 through 13.20.080, as appropriate. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations and shall conform to sampling and analytical procedures outlined in Sections 13.20.380 and 13.20.390.
 - c. The *Industrial User* must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - d. Where the *Director* developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data must be submitted as part of the application.
- F. Ability to Meet *Pretreatment Standards*. Submit a statement indicating whether the *Applicable Pretreatment Standards* are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) or additional *Pretreatment* is required for the *Industrial User* to meet the *Applicable Pretreatment Standards* and Requirements.
- G. Compliance Schedule. If additional *Pretreatment* or operations and maintenance (O&M) will be required to meet the *Applicable Pretreatment Standards*, the *Industrial User* must submit the shortest schedule by which the *Industrial User* will provide such additional *Pretreatment* or O&M. The *Industrial User's* schedule must conform to the requirements of Section

13.20.300. The completion date in this schedule must not be later than the compliance date established pursuant to Section 13.20.120 of this chapter.

1. Where the *Industrial User's Categorical Pretreatment Standard* has been modified by a removal allowance (40 CFR 403.7 or any superseding amendments thereto), the combined wastestream formula (40 CFR 403.6(e) or any superseding amendments thereto), or a fundamentally different factors variance (40 CFR 403.13 or any superseding amendments thereto) at the time the *Industrial User* submits the report required by this paragraph, the information required by paragraphs F. and G. of this section shall pertain to the modified limits.
2. If the *Categorical Pretreatment Standard* is modified by a removal allowance, the combined wastestream formula, or a fundamentally different factors variance after the *Industrial User* submits the report required by paragraphs F. and G. of this section, then the *Industrial User* must submit a report containing modified information within sixty (60) days after the new limit is approved.

Incomplete or inaccurate applications will not be processed and will be returned to the *Industrial User* for revision.

H. Any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a *Pollutant* neither present nor expected to be present in the *Discharge* based on Section 13.20.290 B. (40 CFR 403.12(e)(2) or any superseding amendments thereto).

13.20.200: SIGNATORY AND CERTIFICATION REQUIREMENT:

All *Wastewater Discharge Permit* applications and *Industrial User* reports must be signed by a responsible officer or manager, or sole proprietor or general partner as applicable, or duly authorized representative.

A. For the purpose of this section, a responsible officer or manager means:

1. A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other *Person* who performs similar policy- or decision-making functions for the corporation, or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate

procedures. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the city prior to or together with the report being submitted of the *Industrial User*.

- B. A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor, or general partner in writing. The written authorization must be submitted to the city and also specifies either an individual or a position having the responsibility of the overall operation of the facility from which the industrial *Discharge* originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.
- C. Every application, report and designation of responsible officer must contain the following certification statement signed and dated by the responsible officer:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

13.20.210: WASTEWATER DISCHARGE PERMIT DECISIONS:

The city will evaluate the data furnished by the *Industrial User* and may require additional information needed to evaluate a complete application. Within ninety (90) days of receipt of a complete *Wastewater Discharge Permit* application, the *Director* will determine whether to issue a *Wastewater Discharge Permit*. If a permit is to be issued, it will be issued within the ninety (90) day window. The city may deny any application for a *Wastewater Discharge Permit* or approve a permit subject to conditions.

13.20.220: RECONSIDERATION OF WASTEWATER DISCHARGE PERMIT:

Any affected *Person*, including the *Industrial User*, may petition the *Director* to reconsider the terms of a *Wastewater Discharge Permit* within ninety (90) days of its issuance.

- A. Failure to submit a timely petition for reconsideration of permit shall be deemed to be a waiver

of the administrative appeal pursuant to Section 13.20.570.

- B. In its petition, the requesting party must indicate the *Wastewater Discharge Permit* provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the *Wastewater Discharge Permit*.
- C. The effectiveness of the *Wastewater Discharge Permit* shall not be stayed pending the city's decision.

Failure of the *Director* to act within ninety (90) days on a request for reconsideration shall be deemed a denial of the request.

13.20.230: WASTEWATER DISCHARGE PERMIT CONTENTS:

Wastewater Discharge Permits must include such conditions as are reasonably deemed necessary by the city to prevent *Pass Through* or *Interference*, protect the quality of the water body receiving the *Treatment Plant's* effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the *POTW*.

A. *Wastewater Discharge Permits* will contain the following conditions:

1. A statement that indicates *Wastewater Discharge Permit* duration, which in no event shall exceed five (5) years, and a specific date upon which the permit will expire.
2. A statement that the *Wastewater Discharge Permit* is non-transferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing *Wastewater Discharge Permit*;
3. *Applicable Pretreatment Standards* (including local limits) and requirements, including effluent limits;
4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements must include an identification of *Pollutants* to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. Requirement to report the results of monitoring of any regulated *Pollutant* that is conducted more frequently than required by the permit;
6. Requirement for immediate notification to the city where self-monitoring results indicate non-compliance;
7. Requirement to report a bypass or upset of a *Pretreatment* facility;
8. Requirement to report immediately to the city all *Discharges*, including *Slug Loadings*, which could cause problems to the *POTW*;

9. Requirement for the *SIU* who reports non-compliance to repeat the sampling and analysis and submit results to the city within thirty (30) days after becoming aware of the violation.
 10. A statement of applicable civil, criminal, and administrative penalties for violation of *Pretreatment Standards* and requirements, and any applicable compliance schedule.
 11. Requirements to control *Slug Loads*, if determined by the *Director* to be necessary.
 12. Any grant of monitoring waiver by the city (Section 13.20.290 B) must be included as a condition in the user's permit.
- B. *Wastewater Discharge Permits* may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of *Discharge*, time of *Discharge*, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation and proper operation and maintenance of *Pretreatment* technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of *Pollutants* into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine *Discharges*;
 4. Development and implementation of waste minimization plans to reduce the amount of *Pollutants Discharged* to the *POTW*;
 5. The unit charge or schedule of *Industrial User* charges and fees for the management of the *Wastewater Discharged* to the *POTW*;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 7. A statement that compliance with the *Wastewater Discharge Permit* does not relieve the *Permittee* of responsibility for compliance with all applicable federal and state *Pretreatment Standards*, including those which become effective during the term of the *Wastewater Discharge Permit*;
 8. Any special agreements the city chooses to continue or develop between the city and *Industrial User*;
 9. Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

13.20.240: WASTEWATER DISCHARGE PERMIT MODIFICATION:

The *Director* may modify the *Wastewater Discharge Permit* for good cause including, but not limited to, the following:

- A. To incorporate any new or revised federal, state, or local *Pretreatment* standards or requirements;
- B. To address significant alterations or additions to the *Industrial User's* operation, processes, or *Wastewater* volume or character since the time of *Wastewater Discharge Permit* issuance;
- C. A change in the *POTW* that requires either a temporary or permanent reduction or elimination of the authorized *Discharge*;
- D. Information indicating that the permitted *Discharge* poses a threat to the city's *POTW*, city personnel, or the receiving waters;
- E. Violation of any terms or conditions of the *Wastewater Discharge Permit*;
- F. Misrepresentations or failure to fully disclose all relevant facts in the *Wastewater Discharge Permit* application or in any required report;
- G. Revision of or a grant of variance from *Categorical Pretreatment Standards* pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the *Wastewater Discharge Permit*; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

13.20.250: WASTEWATER DISCHARGE PERMIT TRANSFER:

Wastewater Discharge Permits may be reassigned or transferred to a new owner or operator only if the *Permittee* gives at least one hundred twenty (120) days advance notice to the city and the city approves the *Wastewater Discharge Permit* transfer. The notice to the city must include a written certification by the new owner or operator which:

- A. States that the new owner or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Assumes full responsibility for complying with the existing *Wastewater Discharge Permit* beginning on the date of the transfer.

Failure to provide advance notice of a transfer renders the *Wastewater Discharge Permit* voidable as of the date of facility transfer.

Provided that the notice required above occurred and that there were no significant changes to the

manufacturing operation or *Wastewater Discharge*, the new owner or operator will be considered an existing *Industrial User* and will be covered by the existing limits and requirements in the previous owner or operator's permit.

13.20.260: WASTEWATER DISCHARGE PERMIT REISSUANCE:

An *Industrial User* who is required to have a *Wastewater Discharge Permit* shall apply for *Wastewater Discharge Permit* reissuance by submitting a complete *Wastewater Discharge Permit* application, in accordance with Section 13.20.190, a minimum of one hundred twenty (120) days prior to the expiration of the *Industrial User's* existing *Wastewater Discharge Permit*. An *Industrial User* whose existing *Wastewater Discharge Permit* has expired and who failed to submit its re-application in the time period specified herein will be deemed to be *Discharging* without a *Wastewater Discharge Permit*. An existing *Wastewater Discharge Permit* issued to a particular *Industrial User* is void upon the issuance of a new *Wastewater Discharge Permit* to that *Industrial User*.

13.20.270: BASELINE MONITORING REPORTS:

A. Within either one hundred and eighty (180) days after the effective date of a *Categorical Pretreatment Standard* or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), or any superseding amendment thereto (whichever is later), existing *Categorical Industrial Users* currently *Discharging* to or scheduled to *Discharge* to the *POTW*, shall be required to submit to the city a report which contains the information listed in paragraph B., below. At least ninety (90) days prior to commencement of their *Discharge*, *New Sources*, and sources that become *Categorical Industrial Users* after the promulgation of an applicable *Categorical Standard*, will be required to submit to the city a report which contains the information listed in paragraph B., below. A *New Source* will also be required to report the method of *Pretreatment* it intends to use to meet applicable *Categorical Standards*. A *New Source* must also give estimates of its anticipated flow and quantity of *Pollutants Discharged*.

B. *Industrial Users* described above must submit the information set forth below.

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and *Standard Industrial Classifications* of the operation(s) carried out by such *Industrial User*. This description should include a schematic process diagram which indicates points of *Discharge* to the *POTW* from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily

flow, in gallons per day, to the *POTW* from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e), or any superseding amendment thereto.

5. Measurement of Pollutants.
 - a. The *Categorical Pretreatment Standards* applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated *Pollutants* in the *Discharge* from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) must be reported. The sample must be representative of daily operations and will be analyzed in accordance with procedures set out in Section 13.20.390.
6. Certification. A statement, reviewed by the *Industrial User's* authorized representative and certified by a qualified professional, indicating whether *Pretreatment Standards* are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) or additional *Pretreatment*, is required to meet the *Pretreatment Standards* and requirements.
7. Compliance Schedule. If additional *Pretreatment* or O&M will be required to meet the *Pretreatment Standards*, the shortest schedule by which the *Industrial User* will provide such additional *Pretreatment* or O&M. The completion date in this schedule must not be later than the compliance date established for the applicable *Pretreatment Standard*. A compliance schedule pursuant to this section must meet the requirements set out in Section 13.20.300 of this chapter.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 13.20.200 of this chapter.
9. Sampling and analyses must be performed in accordance with procedures set out in Sections 13.20.380 and 13.20.090 of this chapter.

13.20.280: FINAL COMPLIANCE REPORT (INITIAL COMPLIANCE REPORT):

- A. Within ninety (90) days following the date for final compliance of an existing *Significant Industrial User* with *Applicable Pretreatment Standards* and requirements set forth in this chapter, in federal *Categorical Standards*, or in a *Wastewater Discharge Permit*, or, in the case of a *New Source* or a new *SIU*, within ninety (90) days following commencement of the introduction of *Wastewater* into the *POTW*, the affected *Industrial User* must submit to the city a report containing the information outlined in paragraphs D. through F. of Section 13.20.190 of this chapter.

- B. For *Industrial Users* subject to equivalent mass or concentration limits established by the city in accordance with procedures established in 40 CFR 403.6 (c), or any superseding amendments thereto, this report must contain a reasonable measure of the *Industrial User's* long term production rate. For all other *Industrial Users* subject to *Categorical Pretreatment Standards* expressed in terms of allowable *Pollutant Discharge* per unit of production (or other measure of operation), this report must include the *Industrial User's* actual production during the appropriate sampling period.

13.20.290: PERIODIC COMPLIANCE REPORT:

- A. Except as specified in Section 13.20.290 C., all *Significant Industrial Users* must, at a frequency determined by the city, submit no less than twice per year, on dates specified to the user, reports indicating the nature, concentration of *Pollutants* in the *Discharge* which are limited by *Pretreatment Standards* and measured or estimated average and maximum daily flows for the reporting period. In cases where the *Pretreatment Standard* requires compliance with a *Best Management Practice (BMP)* or pollution prevention alternative, the user must submit documentation as stipulated by the city or the *Pretreatment Standard* necessary to determine the compliance status of the user.
- B. The city may authorize an *Industrial User* subject to a *Categorical Pretreatment Standard* to forego sampling of a *Pollutant* regulated by a *Categorical Pretreatment Standard* if the *Industrial User* has demonstrated through sampling and other technical factors that the *Pollutant* is neither present nor expected to be present in the *Discharge*, or is present only at background levels from intake water and without any increase in the *Pollutant* due to activities of the *Industrial User*. See 40 CFR 403.12(e)(2). This authorization is subject to the following conditions:
1. The waiver may be authorized where a *Pollutant* is determined to be present solely due to sanitary *Wastewater Discharged* from the facility provided that the sanitary *Wastewater* is not regulated by an applicable *Categorical Standard* and otherwise includes no process *Wastewater*.
 2. The monitoring waiver is valid only for the duration of the effective period of the individual *Wastewater Discharge Permit*, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual *Wastewater Discharge Permit*. See Section 13.20.190 H.
 3. In making a demonstration that a *Pollutant* is not present, the *Industrial User* must provide data from at least one (1) sampling of the facility's process *Wastewater* prior to any treatment present at the facility that is representative of all *Wastewater* from all processes.
 4. The request for a monitoring waiver must be signed in accordance with Section 13.20.030 by an *Authorized Representative of the Industrial User* and must include the certification

statement in Section 13.20.200 (40 CFR 403.6(a)(2)(ii)).

5. Non-detectable sample results may be used only as a demonstration that a *Pollutant* is not present if the EPA approved method from 40 CFR 136 with the lowest minimum detection level for that *Pollutant* was used in the analysis.
 6. Any grant of the monitoring waiver by the city must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the city for three (3) years after expiration of the waiver.
 7. Upon approval of the monitoring waiver and revision of the user's permit by the city, the *Industrial User* must certify on each report with the statement in Section 13.20.200 that there has been no increase in the *Pollutant* in its waste stream due to activities of the *Industrial User*.
 8. In the event that a waived *Pollutant* is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of Section 13.20.290 A., or other more frequent monitoring requirements imposed by the city and notify the city.
 9. This provision does not supersede certification processes and requirements established in *Categorical Pretreatment Standards*, except as otherwise specified in the *Categorical Pretreatment Standard*.
- C. The city may reduce the requirement for periodic compliance reports [see Section 13.20.290 A. (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the *Pretreatment Standard* or by the Approval Authority, where the *Industrial User's* total categorical *Wastewater* flow does not exceed any of the following:
1. Point zero one percent (0.01%) of the design dry weather hydraulic capacity of the *POTW*, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial *Discharges* in batches;
 2. Point zero one percent (0.01%) of the design dry weather organic treatment capacity of the *POTW*; or
 3. Point zero one percent (0.01%) of the maximum allowable headworks loading for any *Pollutant* regulated by the applicable *Categorical Pretreatment Standard* for which approved local limits were developed by the *POTW* in accordance with 40 CFR 403.15(c) and paragraph D. of this section.

Reduced reporting is not available to *Industrial Users* that have, in the last two (2) years, been in significant non-compliance. In addition, reduced reporting is not available to an *Industrial*

User with daily flow rates, production levels, or *Pollutant* levels that vary so significantly that, in the opinion of the city, decreasing the reporting requirement for this *Industrial User* would result in data that are not representative of conditions occurring during the reporting period.

- D. Any *Industrial User* subject to equivalent mass or concentration limits established by the city or by unit production limits specified in the applicable *Categorical Standards* must report production data as outlined in Section 13.20.280 B. of this chapter.
- E. If the city calculated limits to factor out dilution flows or non-regulated flows, the *Industrial User* will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.
- F. Flows must be reported based on actual measurement, provided, however, that the city may accept reports of average and maximum flows estimated by verifiable techniques if the city determines that an actual measurement is not feasible.
- G. *Discharges* sampled must be representative of the *Industrial User's* daily operations and samples shall be taken in accordance with the requirements specified in Section 13.20.380 of this chapter.
- H. The city may require reporting by *Industrial Users* that are not required to have an *Industrial Wastewater Discharge Permit* if information or data is needed to establish a *Sewer* charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the *Sewer* system.
- I. All periodic compliance reports must be signed and certified in accordance with Section 13.20.200 of this chapter.
- J. The city may require self-monitoring by the *Industrial User* or, if requested by the *Industrial User*, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the city agrees to perform such periodic compliance monitoring, it may charge the *Industrial User* for such monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges will be added to the normal *Sewer* charge and will be payable as part of the *Sewer* bills. The city is under no obligation to perform periodic compliance monitoring for an *Industrial User*.
- K. All *Wastewater* samples must be representative of the user's *Discharge*. *Wastewater* monitoring and flow measurement facilities must be properly operated, kept clean, and maintained in good working order. The failure of a user to keep its monitoring facility in good working order will not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- L. If a user subject to the reporting requirement in this section monitors any regulated *Pollutant* at the appropriate sample location more frequently than required by the city, using procedures prescribed in Section 13.20.380, the results of this monitoring must be included in the report.

13.20.300: COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRETREATMENT STANDARDS:

- A. The schedule must contain increments of progress in the form of dates for the commencement and completion of milestones leading to the construction and operation of additional *Pretreatment* required for the *Industrial User* to meet the *Applicable Pretreatment Standards* (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- B. No increment referred to in paragraph A. of this section shall exceed nine (9) months unless an alternate schedule has been approved in writing by the *Director*.
- C. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the *Industrial User* must submit a progress report to the city including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the *Industrial User* to return the construction to the schedule established. In no event shall more than one hundred eighty (180) days elapse between such progress reports.

13.20.310: HAZARDOUS WASTE NOTIFICATION:

Any *Industrial User* that is *Discharging* more than fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility *Discharging* any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), or any superseding amendments thereto, is required to provide written notification to the city, to the EPA Region 10 Office of Air, Waste, and Toxics Director, and to the Idaho Department of Environmental Quality Division of Waste Management. Any existing *Industrial User* exempt from this notification shall comply with the requirements contained herein within 30 days of becoming aware of a *Discharge* of fifteen (15) kilograms of hazardous wastes in a calendar month or any *Discharge* of acutely hazardous wastes to the city *Sewer* system.

Such notification shall include:

- A. The name of the hazardous waste as set forth in 40 CFR Part 261, or any superseding amendments thereto,
- B. The EPA Hazardous waste number, and

- C. The type of *Discharge* (continuous, batch, or other).
- D. If an *Industrial User Discharges* more than one hundred (100) kilograms of such waste per calendar month to the *Sewer* system, the notification shall also contain the following information to the extent it is known or readily available to the *Industrial User*:
 - 1. an identification of the hazardous constituents contained in the wastes,
 - 2. an estimation of the mass and concentration of such constituents in the wastestreams *Discharged* during that calendar month, and
 - 3. an estimation of the mass of constituents in the wastestreams expected to be *Discharged* during the following twelve (12) months.

These notification requirements do not apply to *Pollutants* already reported under the self-monitoring requirements.

Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, an *Industrial User* must notify the city of the *Discharge* of such a substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this paragraph, an *Industrial User* must certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

13.20.320: NOTICE OF POTENTIAL PROBLEMS, INCLUDING ACCIDENTAL SPILLS, SLUG LOADS:

- A. In the case of any *Discharge*, including, but not limited to, accidental *Discharges*, *Discharges* of a nonroutine, episodic nature, a noncustomary batch *Discharge*, or *Slug Load*, as defined in Section 13.20.030 of this chapter, which might cause potential problems for the *POTW*, the user shall immediately telephone and notify the city of the incident. This notification shall include the location of the *Discharge*, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such *Discharge*, the user shall, unless waived by the city, submit a detailed written report describing the cause(s) of the *Discharge* and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the *POTW*, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a *Discharge* described in paragraph A, above.

Employers shall ensure that all employees, who could cause such a *Discharge* to occur, are advised of the emergency notification procedure.

- D. *Significant Industrial Users* are required to notify the city immediately of any changes at its facility affecting the potential for a *Slug Load*.
- E. Any *Industrial User* who *Discharges* a *Slug Load* of *Pollutants* will be liable for any expense, loss, or damage to the *POTW*, in addition to the amount of any fines imposed on the city under State or Federal law.

13.20.330: BYPASS:

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of wastestreams from any portion of an *Industrial User's* treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. An *Industrial User* may allow any bypass to occur which does not cause *Applicable Pretreatment Standards* or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C. and D. of this section.
- C. Notice of Bypass
 - 1. If an *Industrial User* knows in advance of the need for a bypass, it must submit prior notice to the *POTW* at least ten (10) days before the date of the bypass, if possible.
 - 2. An *Industrial User* must submit oral notice to the city of an unanticipated bypass that exceeds *Applicable Pretreatment Standards* within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission must also be provided within five (5) days of the time the *Industrial User* becomes aware of the bypass. The written submission must contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The *POTW* may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass Conditions

1. Bypass is prohibited, and the *POTW* may take an enforcement action against an *Industrial User* for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The *Industrial User* submitted notices as required under paragraph C. of this section.
2. The *POTW* may approve an anticipated bypass, after considering its adverse effects, if the *POTW* determines that it will meet the three conditions listed in paragraph D.1. of this section.

13.20.340: NON-COMPLIANCE REPORTING:

If sampling performed by an *Industrial User* indicates a violation, the *Industrial User* must notify the *POTW* within twenty-four (24) hours of becoming aware of the violation. The *Industrial User* must also repeat the sampling within five (5) days and submit the results of the repeat analysis to the *POTW* within thirty (30) days after becoming aware of the violation. Where the *POTW* has performed the sampling and analysis in lieu of the *Industrial User*, the *POTW* must perform the repeat sampling and analysis unless it notifies the *Industrial User* of the violation and requires the *Industrial User* to perform the repeat analysis. Resampling is not required if:

- A. The *POTW* performs sampling at the *Industrial User* at a frequency of at least once per month;
or
- B. The *POTW* performs sampling at the *Industrial User* between the time when the initial sampling was conducted and the time when the *Industrial User* or the *POTW* receives the results of this sampling.

13.20.350: NOTIFICATION OF CHANGED DISCHARGE:

- A. All *Significant Industrial Users* must promptly notify the *POTW* in advance of a change in the average monthly volume greater than twenty percent (20%) or a significant change in the character of *Pollutants* in their *Discharge*, including significant manufacturing process changes, *Pretreatment* modifications, and the listed or characteristic hazardous wastes for which the *Industrial User* has submitted initial notification under 40 CFR 403.12 (p).
- B. Any *Industrial User* operating under a *Wastewater Discharge Permit* incorporating equivalent

mass or concentration limits must notify the city within two (2) business days after the *Industrial User* has a reasonable basis to know that the production level will significantly change within the next calendar month. Any *Industrial User* not providing a notice of such anticipated change will be required to comply with the existing limits contained in its *Wastewater Discharge Permit*.

13.20.360: REPORTS FROM UN-PERMITTED INDUSTRIAL USERS:

All *Industrial Users* not required to obtain a *Wastewater Discharge Permit* must provide appropriate reports to the city as the city may require.

13.20.370: RECORD KEEPING:

Industrial Users subject to the reporting requirements of this chapter must retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the *Industrial User* independent of such requirements. Records must include the chain-of-custody forms and the date, exact place, method, and time of sampling, and the name of the individual(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with *Best Management Practices*. These records shall remain available for a period of at least five (5) years. This period will be automatically extended for the duration of any litigation concerning the *Industrial User* or *POTW*, or where the *Industrial User* has been specifically notified of a longer retention period by the *Director*.

13.20.380: SAMPLING REQUIREMENTS FOR INDUSTRIAL USERS:

- A. *Grab Samples* must be used for *pH*, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other *Pollutants*, twenty-four (24)-hour *Composite Samples* must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the *POTW*, the samples must be representative of the *Discharge* and the decision to allow the alternative sampling must be documented in the *Industrial User* file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple *Grab Samples* collected during the twenty-four (24)-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. *Composite Samples* for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the *POTW*, as appropriate.
- B. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) *Grab Samples* must be used for *pH*, cyanide, total phenols, oil

and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the *POTW* may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and (h), or any superseding amendment thereto, the *POTW* shall require the number of *Grab Samples* necessary to assess and assure compliance by *Industrial Users* with *Applicable Pretreatment Standards* and Requirements.

- C. Samples shall be taken immediately downstream from *Pretreatment* facilities if such exist, immediately downstream from the regulated or manufacturing process if no *Pretreatment* exists, or at a location determined by the city and specified in the *Industrial User's Wastewater Discharge Permit*. For *Categorical Industrial Users*, if other *Wastewaters* are mixed with the regulated *Wastewater* prior to *Pretreatment*, the *Industrial User* shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e), or any superseding amendment thereto, to evaluate compliance with applicable *Categorical Pretreatment Standards*. For other *SIUs*, for which the city has adjusted its local limits to factor out dilution flows, the *Industrial User* shall measure the flows and concentrations necessary to evaluate compliance with the adjusted *Pretreatment Standard(s)*.
- D. All sample results must indicate the time, date and exact place of sampling, and methods of analysis and must certify that the wastestream sampled is representative of normal work cycles and expected *Pollutant Discharges* from the *Industrial User*. If an *Industrial User* sampled and analyzed more frequently than what was required in its *Wastewater Discharge Permit*, using methodologies in 40 CFR Part 136, or any superseding amendment thereto, it must submit all results of sampling and analysis of the *Discharge* as part of its self-monitoring report.

13.20.390: ANALYTICAL REQUIREMENTS:

All *Pollutant* analyses, including sampling techniques, must be performed in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable *Categorical Pretreatment Standard*. If 40 CFR Part 136 does not contain sampling or analytical techniques for the *Pollutant* in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

13.20.400: CITY MONITORING OF INDUSTRIAL USER'S WASTEWATER:

The city will follow the same procedures as outlined in Sections 13.20.380 and 13.20.390.

13.20.410: INSPECTION AND SAMPLING:

Industrial Users must allow the *Director* ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties necessary to ascertain whether the *Industrial User* complies with this chapter.

- A. Where an *Industrial User* has security measures in force which require proper identification and clearance before entry into its premises, the *Industrial User* must make necessary arrangements with its security guards so that, upon presentation of suitable identification, the *Director* will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. *Industrial Users* must allow the *Director* to set up on the *Industrial User's* property, and the *Director* is authorized to require installation of such devices as are necessary to conduct sampling or metering of the *Industrial User's* operations.
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled must be promptly removed by the *Industrial User* at the written or verbal request of the *Director* and must not be replaced. The *Industrial User* will bear all costs of clearing or removal of any obstruction to such access.
- D. Unreasonable delays in allowing the *Director* access to the *Industrial User's* premises are a violation of this chapter.

13.20.420: MONITORING FACILITIES:

Each *Industrial User* must provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each *Sewer Discharge* to the city. Each monitoring facility must be situated on the *Industrial User's* premises, except, where such a location would be impractical or cause undue hardship on the *Industrial User*, the city may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The *Director*, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a *Wastewater* treatment system).

There must be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, must be maintained at all times in a safe and proper operating condition at the expense of the *Industrial User*.

The *Director* may require the *Industrial User* to install monitoring equipment, as necessary. All monitoring facilities must be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure *Wastewater* flow and quality must be calibrated to ensure their accuracy.

13.20.430: SEARCH WARRANTS:

If the *Director* has been refused access to a building, structure, or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of the city designed to verify

compliance with this chapter or any *Wastewater Discharge Permit* or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the *Director* is authorized to seek issuance of a search or seizure warrant.

13.20.440: CONFIDENTIAL INFORMATION:

- A. Information and data on a user obtained from reports, surveys, *Wastewater Discharge Permit* applications, *Wastewater Discharge Permits*, and monitoring programs, and from city inspections and sampling activities, must be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the methods of production are entitled to protection as trade secrets under applicable state law.
- B. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made immediately upon request to governmental agencies for uses related to the Idaho Pollution Discharge Elimination System (IPDES) program or *Pretreatment* program, and in enforcement proceedings involving the individual furnishing the report. *Wastewater* constituents and characteristics and other effluent data as defined by federal regulations will not be recognized as confidential information and will be available to the public without restriction. Any information and data submitted by the *Industrial User* which is desired to be considered a trade secret shall have the words "Confidential Business Information" stamped on each page containing such information.

13.20.450: PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NON-COMPLIANCE:

A list of *Industrial Users* determined by the city to be in significant non-compliance will be published annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the *POTW*. The list will include the *Industrial Users* which, during the previous twelve (12) months, were in significant non-compliance with *Applicable Pretreatment Standards* and requirements. For the purposes of this provision, a *Significant Industrial User* is in significant non-compliance if its violation meets one or more of the following criteria, and a permitted *Industrial User* that is not a *Significant Industrial User* is in significant non-compliance if its violation meets one or more of criteria C., D., or H. below:

- A. Chronic violations of *Wastewater Discharge* limits, defined here as those in which sixty-six percent (66%) or more of *Wastewater* measurements taken for the same *Pollutant* parameter during a six (6) month period exceed (by any magnitude) a numeric *Pretreatment Standard* or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of *Wastewater* measurements taken for each *Pollutant* parameter during a six (6) month period equals or exceeds the product of the numeric *Pretreatment Standard* or

Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the TRC (TRC=1.4 for *BOD*, *TSS*, fats, oils and grease, and 1.2 for all other *Pollutants* except *pH*);

- C. Any other *Discharge* violation of a *Pretreatment Standard* or requirement as defined by 40 CFR 403.3(l), (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the *POTW* determines has caused, alone or in combination with other *Discharges*, *Interference* or *Pass Through* (including endangering the health of *POTW* personnel or the general public);
- D. Any *Discharge* of *Pollutants* that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a *Discharge*;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a *Wastewater Discharge Permit* or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with *Categorical Pretreatment Standard* deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report non-compliance; or
- H. Any other violation or group of violations, which may include a violation of *Best Management Practices*, which the *POTW* determines will adversely affect the operation or implementation of the local *Pretreatment* program.

13.20.460: WASTEWATER DISCHARGE PERMIT REVOCATION:

Wastewater Discharge Permits may be revoked for, but not limited to, the following reasons:

- A. Failure to notify the city of significant changes to the *Wastewater* prior to the changed *Discharge*;
- B. Failure to provide prior notification to the city of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the *Wastewater Discharge Permit* application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the city timely access to the facility premises and records for the purposes of inspection, monitoring, or sampling;

- G. Failure to meet *Discharge* limitations;
- H. Failure to pay fines;
- I. Failure to pay *Sewer* charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a *Wastewater* survey or the *Wastewater Discharge Permit* application;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. Violation of any *Pretreatment Standard* or requirement, or any terms of the *Wastewater Discharge Permit* or this chapter.

The city will notify *Industrial User* of a proposed revocation of permit and offer an opportunity to show cause why the proposed action should not be taken.

13.20.470: DISCHARGE SUSPENSION; EMERGENCY:

The city may immediately suspend a user's *Discharge* (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened *Discharge* which reasonably appears to present or cause an imminent or substantial endangerment to the health and welfare of persons or to the integrity of operation of the water reclamation system. The city may also immediately suspend a user's *Discharge* that presents or may present a danger to the environment. Notice of suspension shall be provided by whatever effective means may be possible.

- A. Any user notified of a suspension of its *Discharge* must immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city may take such steps as deemed necessary, including immediate severance of the *Sewer* connection, to prevent or minimize damage to the water reclamation system, its receiving stream, or endangerment to any individuals. The city may allow the user to recommence its *Discharge* when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings for nonemergency set forth in this chapter are initiated against the user. The user shall bear any costs of disconnection and reconnection.
- B. A user that is responsible, in whole or in part, for any *Discharge* presenting imminent endangerment shall submit a detailed written statement, describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the city prior to the date of any show cause or termination hearing provided for in this chapter.

13.20.480: TERMINATION OF DISCHARGE (NON-EMERGENCY):

In addition to the provisions in Section 13.20.460 of this chapter, any *Industrial User* that violates the following conditions is subject to *Discharge* or water service termination:

- A. Violation of *Wastewater Discharge Permit* conditions;
- B. Failure to accurately report the *Wastewater* constituents and characteristics of its *Discharge*;
- C. Failure to report significant changes in operations or *Wastewater* volume, constituents and characteristics prior to *Discharge*;
- D. Refusal of reasonable access to the *Industrial User's* premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the *Pretreatment Standards* in sections 13.20.050 through 13.20.080 of this chapter.

Such *Industrial User* will be notified of the proposed termination of its *Discharge* or water service and be offered an opportunity to show cause under Section 13.20.510 of this chapter why the proposed action should not be taken.

13.20.490: VIOLATIONS: NOTICE:

When the city finds that a user has violated (or continues to violate) any provision of this chapter, a *Wastewater Discharge Permit* or order issued hereunder, or any other *Pretreatment Standard* or requirement, the city may serve upon that user a written notice of violation (via personal service or certified mail, return receipt). Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, must be submitted by the user to the city. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this chapter shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

13.20.500: VIOLATIONS; CONSENT ORDERS:

The city may enter into consent orders, assurances or voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a period specified by the document.

13.20. 510: VIOLATIONS; SHOW CAUSE HEARING:

The city may order a user which has violated or continues to violate any provision of this chapter, a *Wastewater Discharge Permit* or order issued hereunder, or any other *Pretreatment Standard* or requirement, to appear before the city administrator and show cause why proposed enforcement action should not be taken. Notice shall be served for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing will be served personally or by regular and certified mail (return receipt requested) at least ten (10) working days prior to the hearing. Such notice may be served on any authorized representative of the user or left attached to the door at the

entrance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- A. The city administrator may conduct the hearing and take the evidence, or may designate a hearing officer to issue in the name of the city administrator notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing; take the evidence; transmit a report of the evidence and hearing; and, together with recommendations to the city administrator for action thereon.
- B. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, may be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- C. After the city administrator has reviewed the evidence, testimony, and recommendations, they may issue a compliance order to the user responsible for the *Discharge* directing that, following a specified time period, *Sewer* service will be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed or that existing treatment facilities, devices or other related appurtenances are properly operated. Compliance orders may also contain other requirements to address the compliance, including additional self-monitoring and management practices designed to minimize the amount of *Pollutants Discharged* to the *Sewer*.

13.20.520: VIOLATION; ADMINISTRATIVE FINES:

- A. When the city finds that a user has violated or continues to violate any provision of this chapter, a *Wastewater Discharge Permit* or order issued hereunder, or any other *Pretreatment Standard* or requirement, the city may fine such user in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Such fines may be assessed on a per violation, per day basis. In the case of the monthly or other long term average *Discharge* limits, fines may be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twelve percent (12%) of the unpaid balance, and interest shall accrue thereafter at a rate of twelve percent (12%) per annum.
- C. Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a reconsideration request has potential merit, the city administrator may convene a hearing on the matter promptly after receiving the request from the user. In the event the user's reconsideration request is determined to have merit, the penalty payment, together with any interest accruing thereto, may be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and order, to the civil fine.

13.20.530: VIOLATION; INJUNCTIVE RELIEF:

When the city finds that a user has violated or continues to violate any provision of this chapter, a *Wastewater Discharge Permit*, or order issued hereunder, or any other *Pretreatment Standard* or requirement, the city may petition the first judicial district court, through the city's attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the *Wastewater Discharge Permit*, order, or other requirement imposed by this chapter on activities of the user. The city may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the user to conduct environmental remediation.

13.20.540: VIOLATIONS; CIVIL PENALTIES:

- A. A user which has violated or continues to violate any provision of this chapter, a *Wastewater Discharge Permit*, or order issued hereunder, or any other *Pretreatment Standard* or requirement, may be assessed a maximum civil penalty to be paid to the city of one thousand dollars (\$1,000.00) per violation per day. Penalties may accrue for each day during the period of the violation.
- B. In addition to civil penalties assessed by the court, the city may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

13.20.550: VIOLATIONS; CRIMINAL PROSECUTION:

A user which has willfully or negligently violated any provision of this chapter, a *Wastewater Discharge Permit*, or order issued hereunder, or any other *Pretreatment Standard* or requirement; a user which has willfully or negligently introduced any substance into the water reclamation system which causes personal injury or property damage; or a user which, or employee who, knowingly made any false statements, representations or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, a *Wastewater Discharge Permit* or order issued hereunder, or who has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be guilty of a misdemeanor, punishable as provided in title 1, chapter 1.24 of this code for each violation.

13.20.560: VIOLATIONS; REMEDIES NONEXCLUSIVE:

The provisions of this chapter which provide a remedy or penalty for a violation are not exclusive. Enforcement of *Pretreatment* violations will generally be in accordance with the city's

enforcement response plan. The city reserves the right to take any, or all, or any combination of these actions against a noncompliant user when the circumstances warrant. Further the city is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently. Pursuing one type of remedy shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.20.570: APPEAL PROCEDURE:

Any party affected by any decision, action, fine or other determination of the *Director*, may appeal that decision or action to the City Administrator by filing with the City Clerk an appeal within ten (10) business days of receipt of decision of the *Director*. The appeal must be in writing and include a statement of the factual basis for the appeal. Upon timely receipt of the appeal, the City Administrator will schedule the appeal for hearing. The burden in the appeal shall be on the *Industrial User* to show that the decision was made unlawfully or that that the violation did not occur. The decision of the City Administrator shall be a final decision.

13.20.580: PUBLIC NUISANCES:

In addition to any enforcement actions set out in this chapter, a violation of any provision of this chapter, a *Wastewater Discharge Permit*, or order issued hereunder, or any other *Pretreatment Standard* or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any *Person(s)* creating a public nuisance shall be subject to the provisions of the Post Falls Municipal Code or state law governing public nuisances.

13.20.590: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

A. Upset

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with *Applicable Pretreatment Standards* because of factors beyond the reasonable control of the *Industrial User*. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset will constitute an affirmative defense to an action brought for non-compliance with *Applicable Pretreatment Standards* if the requirements of paragraph 3. of this section are met.
3. An *Industrial User* who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the *Industrial User* can identify the cause(s) of the upset;

- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - c. The *Industrial User* controlled production of all *Discharges* to the extent necessary to maintain compliance with *Applicable Pretreatment Standards* upon reduction, loss, or failure of their treatment facility until the facility was restored or an alternative method of treatment was provided; and
 - d. The *Industrial User* has submitted the following information to the *POTW* and *Treatment Plant* operator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - i. A description of the *Indirect Discharge* and cause of non-compliance;
 - ii. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - iii. Steps being taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
4. In any enforcement proceeding, the *Industrial User* seeking to establish the occurrence of an upset shall have the burden of proof.
5. *Industrial Users* will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with *Applicable Pretreatment Standards*.

B. Prohibited Discharge Standards

An *Industrial User* will have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 13.20.050, A. and B.3. through B.7., if it can prove that it did not know, or have reason to know, that its *Discharge*, alone or in conjunction with *Discharges* from other sources, would cause *Pass Through* or *Interference* and that either: (a) a local limit exists for each *Pollutant Discharged* and the *Industrial User* was in compliance with each limit directly prior to, and during, the *Pass Through* or *Interference*; or (b) no local limit exists, but the *Discharge* did not change substantially in nature or constituents from the *Industrial User's* prior *Discharge* when the city was regularly in compliance with its IPDES permit, and in the case of *Interference*, was in compliance with applicable sludge use or disposal requirements.

13.20.600: PRETREATMENT CHARGES AND FEES:

The city may adopt by resolution of the City Council reasonable fees for reimbursement of costs of setting up and operating the city's Pretreatment program which may include:

- A. Fees for *Wastewater Discharge Permit* applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an *Industrial User's Discharge*, and reviewing monitoring reports submitted by *Industrial Users*;
- C. Fees for reviewing and responding to accidental *Discharge* procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

SECTION 2. All provisions of the current Post Falls Municipal Code or ordinances of the city of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the city of Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the city of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the city of Post Falls at a regular session of the City Council on July ___ 2022.

APPROVED, ADOPTED and SIGNED this day of July, 2022.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

SUMMARY OF POST FALLS ORDINANCE NO. 1460

The city of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. 1460, which establishes wastewater pretreatment standards and providing for administration, definitions and abbreviations; establishing prohibited discharge standards and compliance and discharge permit requirements; authorizing transfer and revocation of discharge permits; establishing reporting and compliance monitoring requirements; providing enforcement procedures, including a civil assessment of one thousand dollars; providing that a violation is as a misdemeanor punishable by a fine not to exceed one thousand dollar, six months in jail, or both; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. 1460 is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this ____ day of July, 2022.

/s/

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. 1460, which establishes wastewater pretreatment standards and providing for administration, definitions and abbreviations; establishing prohibited discharge standards and compliance and discharge permit requirements; authorizing transfer and revocation of discharge permits; establishing reporting and compliance monitoring requirements; providing enforcement procedures, including a civil assessment of one thousand dollars; providing that a violation is as a misdemeanor punishable by a fine not to exceed one thousand dollar, six months in jail, or both, and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this ____ day of July, 2022.

Warren J. Wilson, City Attorney

CITY OF POST FALLS
AGENDA REPORT
Unfinished Business
MEETING DATE: 7/19/2022

DATE: 7/12/2022 3:33 PM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Bryan Myers
SUBJECT: CROWN POINTE PARK REGRADING – RECOMMENDATION TO AWARD CONTRACT

ITEM AND RECOMMENDED ACTION:

Staff is seeking Council approval for the award of a construction contract for the Crown Pointe Park Regrading project to Selland Construction, Inc. and authorizes the Mayor to sign the Notice of Award and subsequent Contract Documents.

DISCUSSION:

On June 7th, 2022 The City of Post Falls opened bids for the Crown Pointe Regrading Project. The City received two bids for the project. Selland Construction Inc. was the low bidder for the project with a bid of \$247,000.00 and Bid Alternate of \$45,000.00 for a total project of \$ 292,000.00. Staff believes the bids to be responsive. City Staff recommend the project be awardee to the low responsive bidder, Selland Construction, Inc. The scope will include furnishing material and labor to complete the necessary work to provide excavation services to regrade the landscape interior of the loop walk and modify the existing irrigation system to improve performance. These changes will allow for the open play field to be utilized by both active and passive recreation users.

Staff is also seeking Council approval for a contingency of 7% in the amount of \$ 20,440. For potential change orders of unforeseen conditions for a total amount of \$312,440.00. Change orders utilizing the contingency funds will require approval and signature by the Parks and Recreation Director or his designee.

The funding source for this contract is the General Fund

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

June 21, 2022

APPROVED OR DIRECTION GIVEN:

Council approved or directed staff to proceed on the previous council items.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

\$312,440.00.

BUDGET CODE:

001-444.0000.94180



Legal Services
Phone: (208) 773-0215
Fax: (208) 773-0214

Memorandum of Legal Counsel

To: Bryan Myers
From: Field K. Herrington, Deputy City Attorney
Date: July 12, 2022
Re: July 7, 2022, Bid Opening – Crown Pointe Regrading Project

My review and analysis are based purely on the legal aspects of the bid as authorized by the Idaho purchasing statutes, particularly Idaho Code § 67-2805, and the required information contained in the notice inviting bids. On or about July 7, 2022, I received copies of two (2) bids that were received and opened by the City Clerk, Shannon Howard at or about 10:00 a.m. on July 7th, 2022.

The bids consisted of bids from Selland Construction Inc. (\$292,000) and LaRiviere Inc. (\$460,842).

I have reviewed the submittal from the apparent low bidder, Selland Construction Inc. (“Selland”). Based upon the bit total sheet, Selland appears to be the lowest responsive bidder. I did a cursory review the other bid as well, but it has not been thoroughly reviewed and no analysis is presented here. However, if a need for such review is required, I will be glad to accommodate.

My review of the Selland bid leads me to conclude, on a purely legal level, Selland is the lowest responsive bidder, and if the City intends to award the bid, then the bid should be awarded to Selland. My conclusion is based upon the following information:

1. I have reviewed the Bid Total Sheet and bid submittals from the City Clerk. It appears that the submittal by Selland was timely.
2. The submittal was provided on the required form and with the required attachments:
 - a. Completed proposal;
 - b. 5% Bid Bond;
 - c. Bidder information;
 - d. List of required subcontractors with the requisite license information. I would note that no subcontractors were provided as there is no plumbing, HVAC, or electrical work contemplated;
 - e. Executed Non-Collusion Affidavit;
 - f. Executed Anti-Discrimination Affidavit;

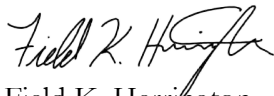
- g. Executed Affidavit or Payment or Securement of All Taxes; and
 - h. There was a minor informality which the City of Post Falls may waive, as is their right. The bid instructions require that bids by corporations must be signed in the corporate name by the president, vice president, or other corporate officer accompanied by evidence of authority to sign. Mike Kummer, the general manager of the corporation executed the attestations and documents and there was no evidence of authority to sign submitted with the original bid. Upon subsequent request by the City, Selland provided proper authority for Mr. Kummer to sign on behalf of the corporation, see attached documents.
3. I researched the Public Works License of Selland to confirm the validity of the license, the level of the license, and the approved types of work. Selland is a licensed Public Works Contractor with an "Unlimited" license No. PWC-C-13976. I have attached the copy of the license information for your records.

Based upon my review Selland is compliant with Idaho Law, the City of Post Falls Procurement standards, and is the lowest responsive bidder at \$292,000, which is \$168,842 lower than the other responsive bidder, LaRiviere.

I did not review the details of the plans or specifications and note there is a proposed alternate or modification evidenced by the 7/1/2022 Addendum #1. I will defer to you on the technical aspects of the bid, as I lack the requisite knowledge and skills to philosophize on the technical aspects.

Should you have any questions, please feel free to contact me.

Very Truly Yours,



Field K. Herrington
Deputy City Attorney

Enclosures



0004507233



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0004507233

Date Filed: 11/29/2021 9:33:49 AM

Entity Name and Mailing Address:		
Entity Name:	SELLAND CONSTRUCTION, INC.	
Foreign Name (name in home jurisdiction):	SELLAND CONSTRUCTION, INC.	
The file number of this entity on the records of the Idaho Secretary of State is:	0000604832	
Address	PO BOX 119 WENATCHEE, WA 98807-0119	
Entity Details:		
Entity Status	Active-Good Standing	
This entity is organized under the laws of:	WASHINGTON	
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	C200550	
The registered agent on record is:		
Registered Agent	CT CORPORATION SYSTEM Commercial Registered Agent Physical Address 921 S ORCHARD ST STE G BOISE, ID 83705 Mailing Address 921 S ORCHARD ST STE G BOISE, ID 83705	
Agent or Address Change		
<input type="checkbox"/> Select if you are appointing a new agent.		
Corporate Officers and Directors:		
Name	Title	Business Address
Bradley F Selland	President	P O BOX 119 WENACTHEE, WA 98807-0119
Jason Gaul	Vice President	P O BOX 119 WENACTHEE, WA 98807-0119
Glen Broadsword	Vice President	P O BOX 119 WENACTHEE, WA 98807-0119
Bradley F Selland	Director	P O BOX 119 WENACTHEE, WA 98807-0119
Edwin O Hewitt	Secretary	P O BOX 119 WENACTHEE, WA 98807-0119
Edwin O Hewitt	Treasurer	P O BOX 119 WENACTHEE, WA 98807-0119
The annual report must be signed by an authorized signer of the entity. Job Title: Secretary/Treasurer		

B0664-9308 11/29/2021 9:33 AM Received by ID Secretary of State Lawrence Denney



Edwin O Hewitt Jr

Sign Here

11/29/2021

Date

B0664-9309 11/29/2021 9:33 AM Received by ID Secretary of State Lawrence Denney

CONSENT IN WRITING OF THE BOARD OF DIRECTORS
OF SELLAND CONSTRUCTION, INC.

The undersigned, pursuant to RCW 23B.08.210, constituting the Directors of SELLAND CONSTRUCTION, INC., a Washington corporation, hereby agrees that the following resolutions of the Board of Directors of the Corporation be adopted by written consent:


BE IT RESOLVED, that any one of the following individuals in their capacity as officers of the corporation, as listed below, shall have the authorization to enter into and sign applications, pre-qualification statements, contracts, proposals, Bids, Performance and Payment Bonds, and all other related and similar documents including without limitation documents submitted to any agency, office or political subdivision of the United States of America, any State, all on behalf of Selland Construction, Inc., without the signature of others.

Bradley F. Selland – President/CEO/Chairman
Jason Gaul – Vice President
Adam Brizendine – Vice President
Edwin Hewitt, Jr. – Secretary/Treasurer/CFO
Mike Kummer – General Manager

EFFECTIVE as of the 1st day of January, 2022.



BRADLEY F. SELLAND



JASON GAUL



ADAM BRIZENDINE

Constituting the Directors of the Corporation

 **Print**

<u>Company Name</u>	<u>License Number</u>	<u>Work Category</u>	<u>License Type</u>	<u>License Class</u>	<u>Status</u>	<u>Applicant Name</u>	<u>Owner Name</u>	<u>Company Address</u>	<u>Company City</u>	<u>Company State</u>	<u>Company Zip Code</u>	<u>Phone</u>	<u>Expiration Date</u>	<u>Parent License Number</u>
Selland Construction, Inc.	PWC-C-13976	00001, 00002	1, 2	UNLIMITED	ACTIVE	Selland Construction, Inc.	Selland Construction, Inc.	PO Box 119	WENATCHEE	WA	98807	(509) 662-7119	5/31/2023	

NOTICE OF AWARD

Date of Issuance: July 19, 2022

Bidder: Selland Construction Inc.

Owner: City of Post Falls

Bidder's Address: PO Box 119, Wenatchee, WA 98807

Engineer:

Owner's Contract No.:

Project: CROWN POINTE REGRADING

Contract Name: Crown Pointe Regrading

TO BIDDER:

You are notified that Owner has accepted your Bid dated (July 6, 2022) for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

[Describe Work, alternates, or sections of Work awarded]

The Contract Price of the awarded Contract is: \$ \$292,000.00. [Base Bid and Alternate A]

Two hundred ninety-two thousand dollars and 00/100

- unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically. [Revise if multiple copies accompany the Notice of Award]
- A set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner all counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [e.g., performance and payment bonds] and insurance documentation.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award and declare your Bid security forfeited.

Within thirty days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents.

ACCEPTANCE OF AWARD

City of Post Falls, Idaho

(OWNER)

(CONTRACTOR)

By: _____
(AUTHORIZED SIGNATURE)

By: _____
(AUTHORIZED SIGNATURE)

Mayor

(TITLE) (DATE)

(TITLE) (DATE)

BID

PROJECT IDENTIFICATION: Crown Pointe Regrading

THIS BID IS SUBMITTED TO OWNER: CITY OF POST FALLS
408 Spokane Street
Post Falls, ID 83854

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents to complete all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.

2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain open for 30 days after the day of Bid Opening. BIDDER will sign the Agreement and submit the Contract Security and other documents required by the Contract Documents within 10 days after the date of OWNER'S Notice of Award.

3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:

a) BIDDER has examined copies of all the Contract Documents and of the following addenda:

Addendum Date: Number of Addendum:

7/1/2022 - Addendum #1

(Receipt of all of which is hereby acknowledged) and also copies of the Advertisement or Invitation to Bid and the Instructions to Bidders;

b) BIDDER has examined the site and locality where the Work is to be performed, the legal requirements (Federal, State and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as BIDDER deems necessary;

c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not or induced any person, firm or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other Bidder or over OWNERS; and

d.) The BIDDER and all Subcontractors currently possess the appropriate Idaho Public Works CONTRACTOR'S LICENSE.

Idaho Contractors License No. PWC-C-13976 UNLIMITED 1-2

e) All Subcontractors currently possess the appropriate Idaho Public Works CONTRACTOR'S LICENSE.

4. BIDDER will complete the Work per the prices established in the attached Bid Schedule:

BID SCHEDULE SUMMARY:

Total Schedule Price	
Schedule A / Base Bid:	\$ <u>247,000.00</u> Two hundred forty seven thousand dollars & ⁰⁰ / ₁₀₀ .
Total Price	\$ <u>247,000.00</u> Two hundred forty seven thousand dollars & ⁰⁰ / ₁₀₀ .
Alternate "A"	\$ <u>45,000.00</u> Forty Five thousand dollars & ⁰⁰ / ₁₀₀ .

5. BIDDER agrees that the:

a) Work will be Substantially Complete and Complete on or before the dates or within the number of calendar days indicated in the Agreement.

b) BIDDER accepts the provisions of the Agreement as to Liquidated Damages in the event of failure to complete the Work on time.

6. The following documents are attached to, and made a condition of, and incorporated by reference into this Bid if not attached.

- a) Bid Schedule A / Base Bid
- b) Alternate A
- d) Required Bid Security
- e) Designation of Subcontractors
- f) Non-Collusion Affidavit
- g) Anti-Discrimination Affidavit
- h) Affidavit of Payment or Securement of All Taxes
- i) Non-Discrimination Exhibit C

7. Communications concerning this Bid shall be addressed to:

The address of BIDDER indicated below:

Selland Construction, Inc.
PO Box 119
Wenatchee, WA 98807

8. The terms used in this Bid which are defined in the General Conditions of the Construction Contract included as part of the Contract Documents have the meanings assigned to them in the General Conditions, and as may be amended.

9. Bid Opening:

Date Time SUBMITTED on July 6, 2022.

If BIDDER is:

A Corporation

SELLAND CONSTRUCTION, INC.

(Corporation Name)

WA

(State of Incorporation)

By *Mike Kummer*

(Signature of Person Authorized to Sign)

MIKE KUMMER / GENERAL MANAGER

(Name and Title of Person Authorized to Sign)

Attest

[Signature]

(Business Address)

509-662-7119

Phone No.

Selland Construction, Inc.

PO Box 119

Wenatchee, WA 98807



A Joint Venture:

By _____

(Signature)

(Name)

(Address)

By _____

(Signature)

(Name)

(Address)

(Each joint venturer must sign. The manner of signing for each individual, partnership and corporation that is a party to the joint venture should be in the manner indicated above.)

Attest

Business Address

Phone No.

A Partnership:

(Firm Name)

(Signature of General Partner)

(Name of General Partner)

Business address

Phone No.

Attest

(Secretary)

Business Address

Phone No.

An Individual:

By _____
(Signature of Individual)

By _____
(Individual's Name)

Doing business as

Business address

Phone No.

Attest

Business address

Phone No.

BID SCHEDULE (REVISED 7/1)

CROWN POINTE REGRADING
June 2022

BIDDER acknowledges receipt of following ADDENDA:

7/1/2022 - Addendum #1

Item No.	Item Description	Estimated Quantity	Measure Unit	Unit Price	Extended Price
1	Mobilization (not to exceed 5% of Total Bid)	@ 1	LS	\$12,000. ⁰⁰	\$12,000. ⁰⁰ TWELVE THOUSAND DOLLARS ^{00/00}
2	Quality Control	@ 1	LS	\$8,500. ⁰⁰	\$8,500 EIGHT THOUSAND FIVE HUNDRED DOLLARS ^{00/00}
3	Contractor Furnished Construction Surveying	@ 1	LS	\$11,500. ⁰⁰	\$11,500. ⁰⁰ ELEVEN THOUSAND FIVE HUNDRED DOLLARS ^{00/00}
4	Dust Control	@ 1	LS	\$5,500. ⁰⁰	\$5,500. ⁰⁰ FIVE THOUSAND FIVE HUNDRED DOLLARS ^{00/00}
5	DELETED ITEM				
6	Excavation, Embankment and Site Grading				
	a. Clearing and Grubbing	@1	LS	\$20,000. ⁰⁰	\$20,000. ⁰⁰ TWENTY THOUSAND DOLLARS ^{00/00}
	b. Earthwork	@1	LS	\$20,000. ⁰⁰	\$20,000. ⁰⁰ TWENTY THOUSAND DOLLARS ^{00/00}
	c. Waste Material	@1	LS	\$12,000. ⁰⁰	\$12,000. ⁰⁰ TWELVE THOUSAND DOLLARS ^{00/00}
	d. Topsoil	@1	LS	\$23,000. ⁰⁰	\$23,000. ⁰⁰ TWENTY THREE THOUSAND DOLLARS ^{00/00}
7	Erosion Control				
	a. Silt Fence	@1	LS	\$9,000. ⁰⁰	\$9,000. ⁰⁰ NINE THOUSAND DOLLARS ^{00/00}
	b. Inlet Protection	@1	LS	\$2,500. ⁰⁰	\$2,500. ⁰⁰ TWO THOUSAND FIVE HUNDRED DOLLARS ^{00/00}
8	DELETED ITEM	@ 1	LS		
9	Stabilized Construction Entrance	@ 1	LS	\$8,500. ⁰⁰	\$8,500. ⁰⁰ EIGHT THOUSAND FIVE HUNDRED DOLLARS ^{00/00}
10	Dry Well	@ 1	LS	\$6,000. ⁰⁰	\$6,000. ⁰⁰ SIX THOUSAND DOLLARS ^{00/00}
11	Irrigation	@ 1	LS	\$80,000. ⁰⁰	\$80,000. ⁰⁰ EIGHTY THOUSAND DOLLARS ^{00/00}
12	Site Grading	@ 1	LS	\$16,500. ⁰⁰	\$16,500. ⁰⁰ SIXTEEN THOUSAND FIVE HUNDRED DOLLARS ^{00/00}
13	Hydroseed	@ 1	LS	\$12,000. ⁰⁰	\$12,000. ⁰⁰ TWELVE THOUSAND DOLLARS ^{00/00}
BID SCHEDULE A TOTAL =				\$247,000. ⁰⁰	\$247,000. ⁰⁰ TWO HUNDRED FORTY SEVEN THOUSAND DOLLARS ^{00/00}
ADD ALTERNATE					
A	Sodded Turf Grass	@ 1	LS	\$45,000. ⁰⁰	\$45,000. ⁰⁰ FORTY FIVE THOUSAND DOLLARS ^{00/00}

BIDDER'S CHECK LIST

The Bidder's Check List is offered to the prospective bidder as a guide for checking that his/her bid Proposal is a complete Bid free from omissions and errors that could possibly lead to rejection of the bid.

It is the responsibility of the contractor to review the complete Project Manual, Bid Requirements and Drawings to ensure that all requirements are complete.

Check off when completed:

1. Are all blank spaces filled out on Bid Form? Is a complete set of Bid Proposal documents intact?
2. Have questions arising from the bidding, contract specifications, or plans been submitted to the proper authority and resolved in the proper manner?
3. Are Bid amounts shown correctly as well as extensions and totals? Recheck for errors or omissions.
4. Are authorized signatures properly affixed to the Bidding Documents, giving also title, Idaho Public Works Contractor license number, etc.?
5. Per Idaho Code 67-2310, have all electrical, plumbing, and HVAC subcontractors to whom work will be awarded been listed, as well as their Idaho Public Works Contractor license number?
6. A BID BOND, CERTIFIED, OR CASHIERS CHECK in the amount of five percent (5%) of the TOTAL BASE BID must be included.
7. Have all Addenda been received and acknowledged with the proper signature on the Bid Proposal and included with the Bid?
8. All Bidding Documents shall be placed in properly addressed, sealed envelope, and delivered to the specified authority prior to the time designated for the bid opening.
9. Has the original and a copy of the Bid Proposal plus all forms and attachments been included?

The City will reject all Bids not containing the mandatory submittals as non-responsive.

DESIGNATION OF SUBCONTRACTORS

The bidder's attention is directed to the provisions of Idaho Code Section 67-2310 which requires subcontractors who will perform mechanical, electrical or plumbing work to be named on the bid of the general contractor. The Contractor shall not name more than one subcontractor for each work item. If the Contractor intends to perform mechanical and/or electrical work under the provisions of his own license, he shall name himself providing he is properly licensed. Plumbing and HVAC are not anticipated on this project.

The Contractor shall not, without written consent of the Owner, make any substitution, alterations, or additions to the following list of subcontractors which is made a material part of this BID.

The following is a complete list of the proposed Subcontractors: (Attach additional sheets if necessary.)

Name and Address	Approximate Amount of Subcontract or Value of Materials	Idaho Public Works Contractor License No.	Type Work To Be Done

7-6-22
(Date)

SELLAND CONSTRUCTION, INC.
(Name of Firm)
Mike Jew
(Signature)
GEN. MGR
(Title)

Non-Collusion Affidavit

(THIS FORM TO BE EXECUTED BY EACH BIDDER AND SUBMITTED WITH BID)

State of WA)

:SS

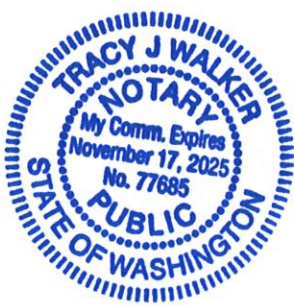
County of CHelan)

MIKE KUMMER, being duly sworn, deposes and says that
he/she is GENERAL MANAGER
(sole owner, a partner, president, secretary, etc.)
of SELLAND CONSTRUCTION, INC.

the party making the foregoing bid, that such Bid is not made in the interest of or on behalf of any undisclosed person, partnership, company association, organization or corporation; that such Bid is genuine and not collusive or sham; that said Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a shame bid, nor that anyone shall refrain from bidding; that said Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of said Bidder or of any other bidder, nor to fix any overhead, profit, or cost advantage against the public body awarding the contract or anyone interested in the proposed contract; that all statement contained in such Bid are true; and, further, that said Bidder has not directly or indirectly, submitted its bid price or any breakdown thereof, nor the contents thereof, nor divulged information or data relative thereto, not paid and will not pay fee in connection therewith to any corporation, partnership, company, association, organization, bid depository, nor to any member or agent thereof, nor to any other individual except to such person or persons as have a partnership or other financial interest with said bidder in his/her general business.

Signed: [Signature]
Title: GEN MGR

Subscribed and sworn to before me this 6th day of Jun, 2022.



[Signature]
Notary Public in and for the State
of WA
Residing at: WENATCHEE
My Commission expires: 11-17-25

Anti-Discrimination Affidavit

STATE OF WA)

) :ss

COUNTY OF CHELAN)

The Bidder hereby covenants, stipulates and agrees that no person shall be discriminated against in the bidding of the services and/or materials herein under and that the Bidder shall no refuse to hire any person therefore because of such person's race, creed, sex, color, or national origin, unless based on a bona fide occupation qualification. Also, the Bidder will in no manner discriminate against any person because of such person's race, creed, sex, color, or national origin. Any such discrimination shall be deemed a violation of this Bid and shall render this Bid subject to forfeiture.

[Signature]
Contractor's Signature

Subscribed and sworn to before me this 6th day of July, 2022.



[Signature]
NOTARY PUBLIC in and for the State
of WA, residing at WENATCHEE

Affidavit of Payment or Securement of All Taxes

STATE OF ~~IDAHO~~ WA)

) : ss

County of ~~Kootenai~~ CATLAN)

MIKE KUMMER, being first duly sworn, deposes and says that he [is] [is not] is in conformance with Idaho Code 63-15-2; affiant states that LAND CONSTRUCTION, INC. has paid or secured to the satisfaction of the respective taxing units all taxes for which he or his property is liable now due or delinquent including assessments, excises, and license fees levied by the State of Idaho or any taxing unit within the State of Idaho.

Dated this 6th day of July, 2022.

Subscribed and sworn to before me this 6th day of July, 2022.



[Handwritten Signature]

Notary Public for State of Idaho WA

Residing at: WENATCHEE

My Commission expires: 11-17-25

BID BOND

Any singular reference to Bidder, Surety, Owner, or other party shall be considered plural where applicable.

BIDDER (Name and Address):
Selland Construction, Inc.
1285 S. Wenatchee Ave.
Wenatchee, WA 98801

SURETY (Name, and Address of Principal Place of Business):
Travelers Casualty and Surety Company of America
P. O. Box 3018
Bothell, WA 98041-3018

OWNER (Name and Address):
City of Post Falls
408 Spokane St.
Post Falls, ID 83854

BID
Bid Due Date: 7-6-22

Description (Project Name—Include Location): Crowne Point Mass Grading Project
Post Falls, ID

BOND
Bond Number: N/A

Date: 7-6-22

Penal sum \$
Five Percent of Total Amount Bid --5%--
(Words) (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

Selland Construction, Inc.
Bidder's Name and Corporate Seal
By: *Mike*
Signature
MIKE KUNNER
Print Name
GEN MOR
Title
EDWARD O. HEWITT JR.
Attest:
[Signature]
Signature
SEL-TEERS
Title

SURETY

Travelers Casualty and Surety Company of America
Surety's Name and Corporate Seal
By: *Theresa A. Lamb*
Signature (Attach Power of Attorney)
Theresa A. Lamb
Print Name
Attorney-in-Fact
Title

Attest:
[Signature]
Signature
Witness
Title



Note: Addresses are to be used for giving any required notice. Provide execution by any additional parties, such as joint venturers, if necessary.



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Heather L. Allen, Sarah H. Behrens, Emma C. Dofleshel, Jim W. Doyle, Danielle Enriquez, Chad M. Epple, Julie M. Glover, Jim S. Kuich, Theresa A. Lamb, Maxwell Martin, Michael A. Murphy, Andy D. Prill, S. M. Scott, and Steve Wagner of Bothell, Washington**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, 2021.



State of Connecticut

By:
 Robert L. Raney, Senior Vice President

City of Hartford ss.

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026



Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 6th day of July, 2022



Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3860.
 Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

AGREEMENT

THIS CONTRACT, made and entered into this ____ day of _____, 2022, between the **CITY OF POST FALLS**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as the “**CITY**”, and _____, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at _____, _____, hereinafter referred to as “**CONTRACTOR**”,

WITNESSETH:

THAT, WHEREAS, the **CONTRACTOR** has been awarded the contract for **2022 Crown Pointe Regrading Project** according to plans and specifications on file in the office of the Parks & Recreation Division of the **CITY**, which plans and specifications are incorporated herein by reference.

IT IS AGREED that for and in consideration of the covenants and agreements to be made and performed by the **CITY**, as hereinafter set forth, the **CONTRACTOR** shall complete improvements as set forth in the plans and specifications described above, in said **CITY**, furnishing all labor and materials, therefore according to the plans and specifications and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said plans and specifications are hereby declared and accepted as parts of this contract. All material shall be of the high standard required by the plans and specifications and approved by the **CITY** and all labor performed shall be of first-class workmanship.

The **CITY** agrees to pay **CONTRACTOR** the sum of \$ _____ for successful completion of the work in accordance with the Contract Documents. **CONTRACTOR** will submit pay applications monthly with a certified estimate of the work completed up to the date of the pay application. The **CITY** will make payment, less 5% retainage and the amount of any disputed work, within 45 days of receipt of the pay application. Upon successful completion and acceptance of the work, including receipt of releases from subcontractors, suppliers and the State Tax Commission, the **CITY** will release its retainage and pay the remainder of the contract price.

The **CONTRACTOR** shall indemnify, defend and hold the **CITY** harmless from all claims arising from the **CONTRACTOR**'s actions or omissions in performance of this contract, and to that end shall maintain liability insurance naming the **CITY** as one of the insureds in the amount of One Million Dollars (\$1,000,000) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants. A certificate of insurance providing at least thirty (30) days written notice to the **CITY** prior to cancellation of the policy shall be filed in the office of the City Clerk.

The **CONTRACTOR** agrees to maintain Workman's Compensation coverage on all employees, including employees of subcontractors, during the term of this contract as required by Idaho Code Sections 72-101 through 72-806. Should the **CONTRACTOR** fail to maintain such insurance

during the entire term hereof, the **CONTRACTOR** shall indemnify the **CITY** against any loss resulting to the **CITY** from such failure, either by way of compensation or additional premium liability. The **CONTRACTOR** shall furnish to the **CITY**, prior to commencement of the work, such evidence as the **CITY** may require guaranteeing contributions which will come due under the Employment Security Law including, at the option of the **CITY**, a surety bond in an amount sufficient to make such payments.

The **CONTRACTOR** shall furnish the **CITY** certificates of the insurance coverage's required herein, which certificates must be approved by the City Attorney.

The **CONTRACTOR** agrees to not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment in performing the work under this contract. **CONTRACTOR** agrees to comply with the requirements of **Attachment 1** to this contract, which by this reference is incorporated herein.

The **CONTRACTOR** agrees to comply with the additional requirements of the State of Idaho as required by **Attachment 2** to this contract, which by this reference is incorporated herein.

The **CITY** and the **CONTRACTOR** recognize that time is of the essence and failure of the **CONTRACTOR** to complete the work as identified in the contract documents to a condition of Substantially Complete and ready for final payment on or before **September 30, 2022** shall result in damages being sustained by the **CITY**. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the **CONTRACTOR** shall fail to complete the work within the above time limits, the **CONTRACTOR** shall pay to the **CITY** or have withheld from monies due, liquidated damages at the rate of Five Hundred and No/100 Dollars (\$500.00) per calendar day, which sums shall not be construed as a penalty.

IT IS AGREED that the **CONTRACTOR** must employ ninety-five percent (95%) bona fide Idaho residents as employees on any job under this contract except where under this contract fifty (50) or less persons are employed by the **CONTRACTOR**, in which case the **CONTRACTOR** may employ ten percent (10%) nonresidents; provided, however, in all cases the **CONTRACTOR**, must give preference to the employment of bona fide residents in the performance of said work.

The **CONTRACTOR** further agrees: In consideration of securing the business of construction the works to be constructed under this contract, recognizing the business in which he is engaged is of a transitory character and that in the pursuit thereof, his property used therein may be without the state of Idaho when taxes, excises or license fees to which he is liable become payable, agrees:

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this contract, whether or not the same shall be payable at the end of such term.
2. That if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same constitutes liens upon his

property, to secure the same to the satisfaction of the respective officers charged with the collection thereof.

3. That in the event of his default in the payment or securing of such taxes, excises and license fees, to consent that the department, officer, board or taxing unit entering into this contract may withhold from any payment due him hereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said **CONTRACTOR** is liable.

IT IS FURTHER AGREED that for additions or deductions to the plans and specifications, the unit prices as set forth in the written proposal of the **CONTRACTOR** are hereby made part of this contract.

For the faithful performance of this contract in accordance with the plans and specifications and payment for all labor and materials, the **CONTRACTOR** shall execute good and sufficient performance bond and payment bond in a form acceptable to the City Attorney each in the amount of 85% of the total amount of the bid as hereinbefore stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The term "CONTRACT DOCUMENTS" means and includes the following:

- A) Request For Bid
- B) 2022 Crown Pointe Regrading Project Plans, Details and Specifications
- C) Bid Response
- D) Idaho Standards for Public Works Construction (ISPWC)
- E) City of Post Falls General Landscape Notes
- F) Standard Drawings
- G) Notice of Award
- H) Certification of Idaho Residents
- I) Performance Bond
- J) Payment Bond
- K) Notice to Proceed
- L) Sample Change Order

THIS CONTRACT, with all of its forms, specifications and stipulations, shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Post Falls have executed this contract on behalf of said **CITY**, and the **CONTRACTOR** has caused the same to be signed by its President, the day and year first above written.

CITY OF POST FALLS

By: _____

Ronald G. Jacobson, Mayor

Its: _____

ATTEST:

STATE OF IDAHO)

) ss.

County of Kootenai)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared **Ronald G. Jacobson and Shannon Howard**, known to me to be the Mayor and City Clerk, respectively, of the City of Post Falls that executed the foregoing instrument and acknowledged to me that said City of Post Falls executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for _____
Residing at _____
My Commission expires: _____

~~~~~  
STATE OF IDAHO )

) ss.

County of Kootenai )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_, of \_\_\_\_\_ and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

\_\_\_\_\_

Notary Public for \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**Additional Requirements of the State of Idaho.**

The clauses contained in this Article are required by the State of Idaho. The inclusion of these clauses in this Agreement by the City does not indicate the City's support or opposition to these clauses nor Agreement by the City that these clauses are relevant to the subject matter of this Agreement. Rather, these clauses are included solely to comply with Idaho state law.

**Boycotting Israel:** If payments under this Agreement exceed one hundred thousand dollars (\$100,000) and CONTRACTOR employs ten (10) or more persons, then CONTRACTOR certifies that it is not currently engaged in, and will not, for the duration of this Agreement, engage in a boycott of the goods or services of the state of Israel or territories under its control as those terms are defined in the "Anti-Boycott Against Israel Act" (Idaho Code 67-2346).

**Contract with Abortion Providers:** To the extent this agreement is subject to the use of public funds, CONTRACTOR certifies that it is not, and will not, for the duration of this Agreement become, an abortion provider or an affiliate of an abortion provider as those terms are defined in the "No Public Funds for Abortions Act" Idaho Code Title 18, Chapter 87).







**CITY OF POST FALLS**  
**AGENDA REPORT**  
New Business  
**MEETING DATE: 7/19/2022**

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**DATE:** 7/12/2022 3:14 PM  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** Jason Faulkner  
**SUBJECT:** FY 2021 Annual Comprehensive Financial Report

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**ITEM AND RECOMMENDED ACTION:**

Anderson Bros. CPA's, P.A. has completed their audit on the City's fiscal year 2021 financial data and issued an unmodified opinion. Included with this memo, is the new Governance Letter from the auditor stating the financial statement were presented fairly, in all material respect, prepared in accordance with the generally accepted accounting principles of the United States of America, and concluded that they were unable to identify any material weaknesses in the City's internal controls over financial reporting.

The Annual Comprehensive Financial Report may be viewed on the City's website. By having it available on the website, it saves the City the cost of producing a report and shipping it to our financial partners, while giving them instantaneous access to the report from their desktop. It also allows them to cut and paste our information into their reports. The Annual Comprehensive Financial Report has been submitted to the Government Finance Officer Association (GFOA) for certification again this year. The City has received the Excellence in Financial Reporting Award for the last twenty-three fiscal years.

Also, to ensure the City is as transparent as possible, the Finance Department and Media Department have produced the Popular Annual Financial Report (PAFR). This report may be viewed on the City's website, as well.

The PAFR has also been submitted to GFOA for certification again this year. The City has received the Award for Outstanding Achievement in Popular Annual Financial Report for the last twelve years (since first submittal).

Please let me know if you have any questions that you may have regarding the Annual Comprehensive Financial Report.

**DISCUSSION:**

Mayor and Council need to approve the Fiscal Year 2021 Annual Comprehensive Financial Report, per Idaho Code.

Approve, as presented.

**ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:**

N/A

**APPROVED OR DIRECTION GIVEN:**

N/A

**FISCAL IMPACT OR OTHER SOURCE OF FUNDING:**

N/A

**BUDGET CODE:**

N/A

## INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and City Council  
City of Post Falls  
Post Falls, ID 83854

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Post Falls as of and for the year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the City of Post Falls' basic financial statements as listed in the table of contents.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### ***Auditors' Responsibility***

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### ***Opinions***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Post Falls, as of September 30, 2021, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the required supplementary information, as noted in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Post Falls basic financial statements. The introductory section, combining and individual nonmajor fund financial statements, schedules of revenues, expenditures and changes in fund balance – budget and actual – legal appropriation level, and statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and is also not a required part of the basic financial statements.

The combining and individual nonmajor fund financial statements, the schedules of revenues, expenditures and changes in fund balance – budget and actual – legal appropriation level and the schedule of expenditures of federal awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements, and the schedules of revenues, expenditures and changes in fund balance – budget and actual – legal appropriation and the schedule of expenditures of federal awards are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

### **Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated June 28, 2022 on our consideration of the City of Post Falls' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City of Post Falls' internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of Post Falls internal control over financial reporting and compliance.



Anderson Bros. CPAs  
Post Falls, ID  
June 28, 2022

## INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Honorable Mayor and City Council  
City of Post Falls  
Post Falls, ID 83854

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Post Falls, Idaho, as of and for the year ended September 30, 2021 and the related notes to the financial statements, which collectively comprise the City of Post Falls, Idaho's basic financial statements and have issued our report thereon dated June 28, 2022.

### Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Post Falls, Idaho's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Post Falls, Idaho's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Post Falls, Idaho's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and questioned costs as item 2021-1 that we consider to be a material weakness.

### Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Post Falls, Idaho's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **City of Post Falls, Idaho's Response to Findings**

City of Post Falls, Idaho's response to the findings identified in our audit and is described in the accompanying schedule of findings and questioned costs. City of Post Falls, Idaho's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Anderson Bros. CPAs  
Post Falls, ID  
June 28, 2022



## INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the Honorable Mayor and City Council  
City of Post Falls  
Post Falls, ID 83854

### **Report on Compliance for Each Major Federal Program**

We have audited the City of Post Falls, Idaho's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City of Post Falls, Idaho's major federal programs for the year ended September 30, 2021. The City of Post Falls, Idaho's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

### ***Management's Responsibility***

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

### ***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of the City of Post Falls, Idaho's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of Post Falls, Idaho's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City of Post Falls' compliance.

### ***Opinion on Each Major Federal Program***

In our opinion, the City of Post Falls, Idaho complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended September 30, 2021.

## Report on Internal Control over Compliance

Management of the City of Post Falls, Idaho is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City of Post Falls, Idaho's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of Post Falls, Idaho's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.



Anderson Bros., CPAs  
Post Falls, Idaho  
June 28, 2022

City of Post Falls

SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
September 30, 2021

**Section I - Summary of Auditor's Results**

*Financial Statements*

Type of auditor's report issued: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified?  Yes  No
  - Significant deficiency(ies) identified that are not considered to be material weakness(es)  Yes  None reported
- Noncompliance material to financial statements noted  Yes  No

*Federal Awards*

Internal control over major programs:

- Material weakness(es) identified  Yes  No
- Significant deficiency(ies) identified that are not considered to be material weakness(es)  Yes  None reported

Type of auditor's report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with section 2 CFR-200.516(a)  Yes  No

Identification of major programs:

| <i>CFDA Number(s)</i> | <i>Name of Federal Program or Cluster</i> |
|-----------------------|-------------------------------------------|
| 21.019                | Coronavirus Relief Fund                   |

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee  Yes  No

## City of Post Falls

### SCHEDULE OF FINDINGS AND QUESTIONED COSTS September 30, 2021

#### **Section II - Findings – Financial Statement Audit**

- a. **CONDITION:** During our financial statement audit, we noted that there were expenses incurred related to services performed during the fiscal year that had not been recorded as an expense or liability. Additionally, we noted that there were revenues related to the current fiscal year that had not been recorded as revenue or a related receivable, as well as revenue that should not have been accrued as a receivable and related revenue.
- b. **CRITERIA :** Generally accepted accounting principles and the accrual basis of accounting require that all expenses and revenues incurred during the year are recognized as an expense and as revenue, regardless of the timing of the payments or receipts.
- c. **CAUSE OF CONDITION:** The City's current year end closing procedures did not identify all material adjustments that needed to be made to materially reflect all liabilities and expenses as well as all receivables and revenues for the year.
- d. **POTENTIAL EFFECT OF CONDITION:** Financial Statement balances would be materially misstated.
- e. **RECOMMENDATION:** We recommend that the City analyze payments and receipts before and after year-end and determine the proper period for recognition.
- f. **CLIENT RESPONSE:** The City of Post Falls hold their responsibility for enabling internal controls to ensure accurate financial reporting at the highest regard. During fiscal year 2021, the finance department experienced turnover in staffing. Looking forward, the City recognizes the issue and has taken steps to ensure all year-end processes are reviewed prior to the year-end. This will ensure that the revenue and payables are properly made in the correct fiscal year.

#### **Section III - Findings and Questioned Costs – Major Federal Award Programs Audit**

We noted no findings relating to the Federal Awards Programs, which are required to be reported in accordance with generally accepted *Government Auditing Standards*.

#### **Section IV – Summary of Prior Year Audit Findings Relating to Federal Awards**

No prior year audit findings relating to Federal Awards.

## INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Honorable Mayor and City Council  
City of Post Falls  
Post Falls, ID 83854

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Post Falls, Idaho, as of and for the year ended September 30, 2021 and the related notes to the financial statements, which collectively comprise the City of Post Falls, Idaho's basic financial statements and have issued our report thereon dated June 28, 2022.

### Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Post Falls, Idaho's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Post Falls, Idaho's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Post Falls, Idaho's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and questioned costs as item 2021-1 that we consider to be a material weakness.

### Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Post Falls, Idaho's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **City of Post Falls, Idaho's Response to Findings**

City of Post Falls, Idaho's response to the findings identified in our audit and is described in the accompanying schedule of findings and questioned costs. City of Post Falls, Idaho's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Anderson Bros. CPAs  
Post Falls, ID  
June 28, 2022

## INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the Honorable Mayor and City Council  
City of Post Falls  
Post Falls, ID 83854

### **Report on Compliance for Each Major Federal Program**

We have audited the City of Post Falls, Idaho's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City of Post Falls, Idaho's major federal programs for the year ended September 30, 2021. The City of Post Falls, Idaho's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

### ***Management's Responsibility***

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

### ***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of the City of Post Falls, Idaho's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of Post Falls, Idaho's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City of Post Falls' compliance.

### ***Opinion on Each Major Federal Program***

In our opinion, the City of Post Falls, Idaho complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended September 30, 2021.

## Report on Internal Control over Compliance

Management of the City of Post Falls, Idaho is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City of Post Falls, Idaho's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of Post Falls, Idaho's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.



Anderson Bros., CPAs  
Post Falls, Idaho  
June 28, 2022



City of Post Falls

SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
September 30, 2021

**Section I - Summary of Auditor's Results**

*Financial Statements*

Type of auditor's report issued: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified?  Yes  No
  - Significant deficiency(ies) identified that are not considered to be material weakness(es)  Yes  None reported
- Noncompliance material to financial statements noted  Yes  No

*Federal Awards*

Internal control over major programs:

- Material weakness(es) identified  Yes  No
- Significant deficiency(ies) identified that are not considered to be material weakness(es)  Yes  None reported

Type of auditor's report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with section 2 CFR-200.516(a)  Yes  No

Identification of major programs:

*CFDA Number(s)*

21.019

*Name of Federal Program or Cluster*

Coronavirus Relief Fund

Dollar threshold used to distinguish between type A and type B programs:

\$750,000

Auditee qualified as low-risk auditee  Yes  No

## City of Post Falls

### SCHEDULE OF FINDINGS AND QUESTIONED COSTS September 30, 2021

#### **Section II - Findings – Financial Statement Audit**

- a. **CONDITION:** During our financial statement audit, we noted that there were expenses incurred related to services performed during the fiscal year that had not been recorded as an expense or liability. Additionally, we noted that there were revenues related to the current fiscal year that had not been recorded as revenue or a related receivable, as well as revenue that should not have been accrued as a receivable and related revenue.
- b. **CRITERIA :** Generally accepted accounting principles and the accrual basis of accounting require that all expenses and revenues incurred during the year are recognized as an expense and as revenue, regardless of the timing of the payments or receipts.
- c. **CAUSE OF CONDITION:** The City's current year end closing procedures did not identify all material adjustments that needed to be made to materially reflect all liabilities and expenses as well as all receivables and revenues for the year.
- d. **POTENTIAL EFFECT OF CONDITION:** Financial Statement balances would be materially misstated.
- e. **RECOMMENDATION:** We recommend that the City analyze payments and receipts before and after year-end and determine the proper period for recognition.
- f. **CLIENT RESPONSE:** The City of Post Falls hold their responsibility for enabling internal controls to ensure accurate financial reporting at the highest regard. During fiscal year 2021, the finance department experienced turnover in staffing. Looking forward, the City recognizes the issue and has taken steps to ensure all year-end processes are reviewed prior to the year-end. This will ensure that the revenue and payables are properly made in the correct fiscal year.

#### **Section III - Findings and Questioned Costs – Major Federal Award Programs Audit**

We noted no findings relating to the Federal Awards Programs, which are required to be reported in accordance with generally accepted *Government Auditing Standards*.

#### **Section IV – Summary of Prior Year Audit Findings Relating to Federal Awards**

No prior year audit findings relating to Federal Awards.

**CITY OF POST FALLS**  
**AGENDA REPORT**  
New Business  
**MEETING DATE: 7/19/2022**

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**DATE:** 7/12/2022 4:32 PM  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** Shelly Enderud  
**SUBJECT:** Personnel Policy Update Compassionate Separation Benefit

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**ITEM AND RECOMMENDED ACTION:**

Department Heads have been working on personnel policy changes, focusing on workforce issues and current trends. Attached are two of the recommended policy changes, adding a Compassionate Separation benefit and updating sections of the Catastrophic Account (CAT).

**DISCUSSION:**

The added section is for a Compassion Separation benefit that would provide a one-time health reimbursement contribution for employees who are resigning due to terminal medical diagnosis. This is an extremely rare circumstance, but something that will assist employees in a critical time in their lives and the lives of their families. This benefit would be paid from the Personnel Benefits Pool (Fund 003).

The update to Section A #4 allows for flexibility in the use of the CAT account given other leave is not available for an illness and may lead to a leave without pay situation. This leave would be paid from the appropriate department, same as the usage for items 1 through 3.

**ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:**

**APPROVED OR DIRECTION GIVEN:**

**FISCAL IMPACT OR OTHER SOURCE OF FUNDING:**

**BUDGET CODE:**

## **713 Compassionate Separation Benefit**

The City will provide a one-time health reimbursement contribution of \$10,000 to full-time employees who are resigning due to a terminal medical diagnosis to assist with on-going medical insurance premiums or other medical costs. For consideration, employees must be employed with the City for a minimum of one year.

To qualify, the employee must submit a written request for the Compassionate Separation benefit along with a written resignation and provide medical verification of terminal condition and life expectancy from the attending physician to Human Resources at least 30 days prior to termination date or as soon as practicable under the circumstances. In any event a request for the Compassionate Separation benefit must be requested prior to the date of separation. The contribution will be made with the next scheduled HRA distribution.

## **802 Catastrophic Account (CAT)**

### **CAT Procedures**

#### **A. CAT Uses:**

1. The Catastrophic Account is reserved for non-intermittent Family Medical Leave absences and may be used once Comp Time has been exhausted and 40 hours of PTO has been used.
2. Benefits-eligible employees must have worked for the City for one year and worked at least 1250 hours within the last 12 months to qualify for use of CAT.
3. Employees or qualifying family members who have a covered event that will require the employee to be absent for longer than three (3) working days or 24 hours per qualifying condition, are required to contact their immediate supervisor and Human Resources. FMLA notification, designation and coordination procedures can be found in Section 803 of the Personnel Policy.
4. The City reserves the right to allow an employee to use some or all CAT hours for personal illness in the event that the time-off might otherwise create a leave without pay situation outside above-listed procedures.

#### Examples that might qualify:

- An employee who does not otherwise qualify for Family Medical Leave
- A new employee who has not accrued enough time and becomes ill;

#### **B. Increasing CAT Account Hours**

An employee's individual CAT account will be established upon hire with an initial City contribution of 24 hours into the account. Employees build hours in their CAT account by rolling

hours from their PTO into their CAT account once maximum accrual limits are met or by voluntarily requesting Payroll to transfer PTO on a quarterly basis.

**C. PTO to CAT Conversion Election:**

To build up CAT accounts for future Family Medical Leave, employees may elect to automatically roll a quarterly portion of PTO into CAT. There is no City match on these hours and once transferred the hours may not be returned to the PTO Account. To participate, fill out the PTO to CAT Conversion Form located on the intranet under HR Forms page.

Employees may accrue a maximum of 960 hours in their CAT account.

**D. CAT and Overtime:**

CAT hours are not counted as hours worked for purposes of calculating overtime. Employees may not use CAT hours to increase their hours beyond their normal work week.

**E. Separation from Service:**

Remaining PTO hours will be paid out at 100% employee's current hourly wage upon separation. CAT hours are not reimbursable upon separation ~~under this program.~~