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**CITY COUNCIL  
MEETING MINUTES**

**May 3, 2022  
6:00 PM**

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

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**REGULAR MEETING – 6:00 pm City Council Chambers**

**CALL TO ORDER BY MAYOR JACOBSON**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF CITY COUNCIL MEMBERS**

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

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:**

- a. The Landings Park dedication is this Friday, May 6<sup>th</sup>, starting at 4:30 pm. The evening includes a ribbon cutting dedication and guest speakers. There will also be free hot dogs, live music, games, and ice cream. The Park path is located at the Falls Park parking lot, 305 W. 4<sup>th</sup> Ave.
- b. Also, this Friday, May 6<sup>th</sup>, is the Support Local Gems initiative to encourage Idahoans to support small businesses in their communities. I encourage you to try a new local restaurant or shop your favorite local store and Support Local Gems in Post Falls.
- c. Congratulations to Shelly Enderud, City Administrator for her 25 years with the city.
- d. Q'emiln Park Boat Launch Parking Passes: Dave Fair, Parks and Recreation Director presenting: Boat Launch Parking Passes are available to all Post Falls Citizens. To pick up your pass please come into to the Parks and Recreation office. One pass will be issued per Post Falls household.
- e. Regional Housing and Growth Issues Partnership, Housing Availability and Affordability Study: Maggie Lyons and Gynii Gilliam presenting: The current goal is for home ownership to be achievable for the residents of Kootenai County, and to build and retain housing inventory for local workers.
- f. Proclamation – National Historic Preservation Month
- g. Proclamation – Mental Health Awareness Month

**AMENDMENTS TO THE AGENDA**

*Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.*

**None**

**DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS**

*The Mayor and members of the City Council have a duty to serve honestly and in the public interest. Where the Mayor or a member of the City Council have a conflict of interest, they may need to disclose the conflict and in certain circumstances, including land use decisions, they cannot participate in the decision-making process. Similarly, ex-parte contacts and site visits in most land use decisions must also be disclosed.*

**None**

### **1. CONSENT CALENDAR**

*The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.*

#### **ACTION ITEMS:**

- a. Minutes – April 19, 2022, City Council Meeting
- b. Payables – April 12, 2022 – April 25, 2022
- c. Foxtail 8<sup>th</sup> Addition Subdivision Construction Improvement Agreement
- d. 2022 Chip Seal Contract Award to Poe Asphalt
- e. Cash and Investments for February 2022
- f. Trade In Disposal for a New Tractor
- g. Blue Spruce Meadows Subdivision Master Development Agreement
- h. Apartment Twenty-Six Construction Improvement Agreement
- i. Expo at Post Falls 9<sup>th</sup> Addition Subdivision Plat Application
- j. River City Center Subdivision Plat Application
- k. Elevate Academy North Charter School Request for a School Resource Officer
- l. North Spencer Senior Apartments – Grant of Utility Easement
- m. AXON Body Worn Cameras and Digital Evidence Storage Agreement

**Motion by Borders to accept the Consent Calendar as presented.**

**Second by Malloy.**

**Vote: Shove-Aye, Walker-Aye, Borders-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:**

**None**

### **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 -Title 18 Alternative Compliance TA-0003-2022

**Motion by Borders to place the proposed Ordinance Title 18 Alternative Compliance on its first and only reading by title only while under suspension of the rules.**

**Second by Malloy.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE AMENDMENT OF SECTION 18.20.110 AND THE ADOPTION OF A NEW SECTION 18.20.155 TO ESTABLISH A PROCESS TO APPROVE METHODS OF ALTERNATIVE COMPLIANCE WITH CERTAIN ZONING REGULATIONS WHERE THE INTENT OF THOSE REGULATIONS CAN STILL BE MET; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**Motion by Borders to approve Ordinance Title 18 Alternative Compliance, and to direct the Clerk to assign the appropriate ordinance number, and that it be published by summary only.**

**Second by Malloy.**

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

**Motion Carried**

b. Ordinance – Title 18 Housekeeping Text Amendment TA-0001-2022

**Motion by Borders to place the proposed Ordinance Title 18 Housekeeping Text Amendment on its first and only reading by title only while under suspension of the rules.**

**Second by Malloy.**

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

**Motion Carried**

AN ORDINANCE AMENDING SECTIONS OF TITLE 18 ZONING, THE MUNICIPAL CODE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO; AMENDING 18.16.010 W. PUBLIC RESERVE ZONE; REPEALING AND REPLACING 18.20.030 LAND USE TABLE; AMENDING 18.24.020 H.1. RESIDENTIAL SURFACING; AMENDING 18.24.030 A. SINGLE FAMILY AND DUPLEX RESIDENTIAL STANDARDS; REPEALING AND REPLACING 18.24.070 PARKING; AMENDING 18.24.080 B.1. EXEMPTIONA FOR BUFFERS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SURVIVAL OF ACTIONS FOR VIOLATIONS OF PRIOR ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE BY SUMMARY AND PROVIDING AN EFFECTIVE DATE.

**Motion by Borders to approve Ordinance Title 18 Housekeeping Text Amendment, and to direct the Clerk to assign the appropriate ordinance number, and that it be published by summary only.**

**Second by Malloy.**



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

- c. Ordinance – Amending City Code 5.04.080 to Issue Licenses for Bars and Taverns Based on Zoning Code.

**Motion by Borders to place the proposed Ordinance Amending City Code 5.04.080 to Issue Licenses for Bars and Taverns Based on Zoning Code on its first and only reading by title only while under suspension of the rules.**

**Second by Malloy.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING MUNICIPAL CODE SECTION 5.04.080 TO ALLOW THE ISSUANCE OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON THE PREMISES CONSUMPTION IN AREAS ZONED FOR BARS AND TAVERNS AS AUTHORIZED BY IDHAO CODE 23-913; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**Motion by Borders to approve Ordinance Amending City Code 5.04.080 to Issue Licenses for Bars and Taverns Based on Zoning Code, and to direct the Clerk to assign the appropriate ordinance number, and that it be published by summary only.**

**Second by Walker.**

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

**Motion Carried**

#### **4. NEW BUSINESS**

*This portion of the agenda is for City Council consideration of items that have not been previously discussed by the Council. Ordinances and Resolutions are generally added to a subsequent agenda for adoption under Unfinished Business, however, the Council may consider adoption of an ordinance or resolution under New Business if timely approval is necessary.*

#### **ACTION ITEMS:**

a. Approval of Contract Award – Mullan Ave. and Cecil Rd. Access Safety Project  
Rob Palus, Assistant City Engineer presenting: At the March 15, 2022, City Council meeting, City Council authorized staff to advertise for bids to construct the project titled Mullan Ave. and Cecil Rd. Access Safety Project. A pre-bid conference was not held for this project. A bid opening was held on Friday, April 8<sup>th</sup>. There were 2 responsive bidders. The City's Consulting Engineer, JUB Engineering, has reviewed the bid packets. The low bid for the project was from LaRiviere Inc. at a bid cost of \$107,062.20. The Engineers Opinion of Probable Cost for the project was \$125,355.00. Funding is being provided by the Post Falls Urban Renewal Agency. City Staff requested additional funding for the project from Urban Renewal on April 21<sup>st</sup>. Additional funding of up to \$760,182.38 was approved to cover additional costs on this project and the Poleline Ave. and Cecil Rd. Roundabout Project. Completion of this project revises access along Mullan Ave. to address an identified safety concern.



**Motion by Malloy to approve the Contract Award for the Mullan Ave. and Cecil Rd. Access Safety Project to T. LaRiviere.**

**Second by Borders.**

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

**Motion Carried**

b. Poleline Ave. and Cecil Rd. Roundabout – Acquisition of Rights-Of-Way and Easements

Rob Palus, Assistant City Engineer presenting: At the March 15<sup>th</sup>, 2022, City Council meeting, staff requested approval to advertise and receive bids for the Poleline Ave. and Cecil Rd. roundabout. At that meeting, it was identified that staff had negotiated acquisitions of rights-of-way and easements necessary to construct the roundabout, however, the acquisitions were verbal only at that time. Staff has acquired completed acquisitions and purchase agreements from the 3 properties. The agreements are summarized as follows:

- SL Investments, LLC (NW Corner of Intersection) - \$15,049.00 plus roadway improvements along Poleline.
  - Acquire 3,574.73 square feet of rights-of-way
  - Acquire 1,860.86 square feet of easement
  - Acquire temporary construction easement
- Upper Columbia Mission Society of Seventh Day Adventist (NE Corner of Intersection) - \$20,974.64 plus roadway improvements along Poleline Ave., sign relocation and driveway relocation.
  - Acquire 230 square feet of rights-of-way
  - Acquire 4,873.66 square feet of easement
  - Acquire temporary construction easement
- Post Falls School District – (SW Corner of Intersection) - \$0.00 plus improvements regarding fencing and access modifications.
  - Acquire 917.73 square feet of rights-of-way
  - Acquire 2,225.27 square feet of easement
  - Acquire temporary construction easement

Most of the project's funding is being provided by the Post Falls Urban Renewal Agency. The costs for acquisition of rights-of-way and easements were not covered by the PFURA and are a City Responsibility.

**Motion by Malloy to approve the Poleline Ave. and Cecil Rd. Roundabout Acquisition of Rights-Of-Way and Easements.**

**Second by Borders.**

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

**Motion Carried**

c. Poleline Ave and Cecil Rd. Roundabout – Utility Construction Reimbursement Agreement with Ross Point Water District

Rob Palus, Assistant City Engineer presenting: City Staff has recommended to City Council to award construction of the Poleline Ave. and Cecil Rd. roundabout project. A portion of the contracted work includes the construction of water main improvements for the benefit of the Ross Point Water District. Replacement of the existing watermain is needed to accommodate long-term maintenance of facilities and improve system reliability. The Utility Construction Reimbursement Agreement identifies an estimated reimbursement of \$197,335.00 from Ross Point Water. The reimbursement is for construction of Ross Point Water facilities. Construction engineering



associated with construction and project certification is being completed by the Ross Point Water District and their engineering representative. Actual reimbursement will be based on the actual quantities of materials installed and the rates identified within the projects contract documents.

**Motion by Malloy to approve the Poleline Ave. and Cecil Rd. Roundabout Utility Construction Reimbursement Agreement with Ross Point Water District.**

**Second by Borders.**

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

**Motion Carried**

d. Approval of Contract Award – Poleline Ave. and Cecil Rd. Roundabout  
Rob Palus, Assistant City Engineer presenting: At the March 15, 2022, City Council meeting, City Council authorized staff to advertise for bids to construct the project titled Poleline Ave. and Cecil Rd. Roundabout. A pre-bid conference was held with perspective bidders on March 30<sup>th</sup>. A bid opening was held on Friday, April 8<sup>th</sup>. There were 2 responsive bidders. The City's Consulting Engineer, JUB Engineers, has reviewed the bid packets. The low bid for the project was from LaRiviere Inc. at a bid cost of \$2,189,332.65. the Engineers Opinion of Probable Cost for the project was \$1,680,000.00. Most of the project funding is being provided by the Post Falls Urban Renewal Agency (PFURA). City Staff requested additional funding for the project from the PFURA on April 21<sup>st</sup>. Additional funding of up to \$760,182.38 was approved to cover additional costs on this project and the Cecil Rd. and Mullan Ave. Access Safety Project. PFURA funding cannot be spent on right-of-way/easement acquisitions or on improvements outside of the PFURA boundary. Ross Point Water District has a waterline that needs to be replaced with the project and has agreed to enter into a Utility Construction Improvement Agreement with the City. Funding for the project is thru a mixture of PFURA finding, Transportation Impact Fees, Developer Cash Out, and Ross Point Water District. Completion of this project addresses identified roadway capacity and safety needs from the City's Transportation Master Plan. The project also addresses increased needs of providing better and safer facilities for pedestrians and bicyclists at this intersection.

**Motion by Malloy to approve the Contract Award for the Poleline Ave. and Cecil Rd. Roundabout to T. LaRiviere.**

**Second by Borders.**

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

**Motion Carried**

e. Purchase of Replacement Vehicle Lifts for the Fleet Shop  
Ross Junkin, Maintenance Manager presenting: The Fleet Shop currently has one 4-post lift used to service our heavy trucks. We also have three 2-post lifts, two of which were inherited when the City purchased the property. The current status of these lifts are as follows:

- Two of the 2-post lifts are already out of commission. The third has worn parts and is a safety concern (inherited and estimated at 20+ years old). All three are recommended for replacement.
- The 4-post lift has multiple issues (major rust, cracked/heaving concrete floor, safety latch not catching).

The Fleet Division has been nursing these pieces of equipment for a number of years now and recently had the lifts looked at, as we had operational and safety concerns. The inspector indicated that all four lifts should be replaced as soon as possible. Also, the inspector told us that our existing shop floor is inadequate to install any lift as it is severely damaged, uneven, and deflects under load.



A new concrete floor would be part of this replacement project (demo to be done by City staff, concrete pour to be done by contractor). The concrete floor will be addressed soon as we need to have it designed as well as get it bid out. We may need to bring this back to Council in the future. Staff has consulted with the Finance Department to determine that there are funds to support these purchases in the FY22 budget. The quote was procured using Sourcewell cooperative pricing.

Malloy: If in the future the Street shop is moved to a new location will these lifts be able to move too?

Junkin: Yes, they can be moved and maintenance on them will be easier.

**Motion by Malloy to approve the Purchase of Replacement Vehicle Lifts for the Fleet Shop. Second by Walker.**

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

## 5. CITIZEN ISSUES

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

Renee Zimmerman: Ziplly Fiber is having a 4-Chamber Ribbon Cutting on May 11, 2022, from 11am to 1pm at the Ziplly Fiber Retail store at 2115 N Government Way in Coeur d' Alene.

Bob Flowers: Mr. Flowers is having trouble with the TDS fiber line installation going on in the city. They have cut his sprinkler line in three locations, and he is having a hard time getting through to TDS and having them fix the problem.

Cherri Cofield: Does not think having three stoplights within four blocks on Spokane St. is good and there needs to be a better arrangement.

## 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. Guided Deliberations Following Land Use Hearings

Warren Wilson, City Attorney presenting: New procedure for deliberations was rolled out at the Planning Commission at the first meeting in January. The new structure has proven to be beneficial with deliberations for the members of the Commission as well as the public. Council's current process is to discuss the proposal as a whole rather than each criterion. The new process will address each criterion individually. After the hearing closes, staff will pull up slides for deliberation. The Mayor opens deliberation with the first review criterion asking each Council member if/how the criterion is met (based on the evidence). This will be repeated for all criterion. After deliberation a motion would be used to direct staff to prepare a reasoned decision consistent with Council's deliberation.

## 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.*

**None**


### 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):

**None**

### ADJOURNMENT 7:25 PM

  
\_\_\_\_\_  
Ronald G. Jacobson, Mayor



  
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Shannon Howard, City Clerk

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 408 Spokane Street or call 208-773-3511. City Council and City commission meetings are broadcast live on Post Falls City Cable on cable channel 1300 (formerly 97.103) as well as the City's YouTube Channel (<https://www.youtube.com/c/CityofPostFallsIdaho>).

Mayor Ronald G. Jacobson  
Councilors: Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

#### Mission

The City of Post Falls mission is to provide leadership, support common community values, promote citizen involvement and provide services which ensure a superior quality of life.

#### Vision

Post Falls, Idaho is a vibrant city with a balance of community and economic vitality that is distinguished by its engaged citizens, diverse businesses, progressive leaders, responsible management of fiscal and environmental resources, superior service, and a full range of opportunities for education and healthy lifestyles.

"Where opportunities flow and community is a way of life"