



**CITY COUNCIL
MEETING MINUTES**

**May 17, 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: FY 2023 Budget

Jason Faulkner, Finance Director lead the first of two budget workshops. The next one will be in July

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. City Hall and City business offices will be closed Monday, May 30th in observance of Memorial Day. Police, Fire and Rescue services for life-threatening or in-progress emergencies may be reached by calling 911. The Police Department will be open for walk-in emergencies. For Water Department emergencies call 208-773-3517.
- b. Evergreen Cemetery will hold its annual Memorial Day ceremony on Monday, May 30th at 10 am. The City of Post Falls and American Legion Post 143 will pay tribute to our fallen heroes with prayer, speeches, honor and color guard and the placement of individual flags upon each veteran's gravesite.
- c. It is with great sadness that I announce the passing of Jackie McAvoy. Jackie was a pillar of the community and spent much of her time giving back to Post Falls. To list all her accomplishments and dedicated work would be impossible, so here is a small list of what she has done for Post Falls. Jackie served on the Post Falls City Council and Parks & Recreation Commission, which led her to represent Idaho on the Citizen Branch of the Idaho National Recreation and Parks Association. Jackie was also a member of the Post Falls Senior Center Board, and a Post Falls Chamber's Volunteer. In 2009 she was named Citizen of the Year. She was a remarkable woman and will be dearly missed. Services have not yet been scheduled at this time.
- d. Proclamation – National Public Works Week.

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.

Thoreson: Abstain from Consent Calendar item a Minutes from May 3, 2022. I did not attend the meeting.

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 – May 3, 2022, City Council Meeting
- b. Payables – April 26, 2022 – May 9, 2022
- c. March Cash and Investments
- d. Agreement with Avista for Installation of Public Safety Signs
- e. Fixed Asset Disposals
- f. Second Addendum to the Cecil Road Memorandum of Understanding with the Post Falls Urban Renewal Agency
- g. Preliminary Engineering Services Agreement – BNSF Railways, Chase Road BNSF RRX Project A19(955) KN19955

Mayor: On item e Fixed Asset Disposal I would like more information on why we are disposing of a truck with such low miles on it.

Motion by Malloy to approve the Consent Calendar as presented with the exception of the 2015 F150 Pickup.

Second by Borders.

Vote: Ziegler-Aye, Thoreson-Aye (Abstain on item a), Shove-Aye, Malloy-Aye, Walker-Aye, Borders-Aye

Motion Carried

2. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- a. FY 2022 Budget Amendment #2

Public Hearing Opened at 6:07 pm.

Staff Report

Jason Faulkner, Finance Director presenting: Staff is requesting to amend the FY2022 budget based on the information below:

- Corbin Lift Station: \$3000,000 will be funded with reserve cash funds.
- Bentley Lift Station: \$115,000 will be funded with reserve cash funds.
- Land Acquisition: \$165,000 will be funded with reserve cash funds.
- Highway 41 Gravity Sewer: \$550,000 will be reimbursed by the Post Falls Urban Renewal Agency.
- 12th Avenue Force Main: \$4,000 will be reimbursed by the Post Falls Urban Renewal Agency.
- Decommission Prairie Falls/Grayling: \$367,000 will be funded with reserve cash funds.
- Part Time Building/Electrical Inspector to Full Time Building/Electrical Inspector: \$20,903 will be funded with permit revenues.

Testimony

In Favor – None

Neutral – None

In Opposition – None

Public Hearing Closed at 6:11 pm.

Motion by Borders to approve the FY 2022 Budget Amendment #2.

Second by Ziegler.

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

Motion Carried

- b. Morris Annexation ANNEX-0013-2022

Public Hearing Opened at 6:12 pm.

Staff Report

Jon Manley, Planning Manager Presenting: Gordon Dobler of Dobler Engineering has requested on behalf of Harlan Douglas approval to annex approximately 12 acres into the City of Post Falls and assign the zoning designation of Community Commercial Services (CCS). City Council must conduct a public hearing and review the annexation proposal based on the recommendation for the CCS zoning by the Planning and Zoning Commission at their April 12, 2022, meeting. 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.

City Council can determine whether an annexation request is appropriate based on their best judgement. Ideally, 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, whether extension of public infrastructure is feasible.

Applicant

Gordon Dobler, Dobler Engineering: This property is owned by the abutting property owner Douglass which owns the whole Tech Park which is zoned CCS. They would like to fold this property into the Tech Park. The plan is to extend Charleville up and would access this parcel from the backside. There is some verbiage in the Development Agreement that says when that happens access to 41 would be eliminated. The intent is to integrate this with the surrounding Tech Park therefore the zoning we feel is consistent with the surrounding zonings and with the Tech Park.

Testimony

In Favor – None

Neutral – None

In Opposition

Samantha Steigleder: Supports the annexation but does not support a CCS zoning.

Howard Burns: Concerned about the lack of discussion concerning how the 12-acre annexation will be incorporated into the tech park plan.

Rebuttal

Dobler: How this parcel will be incorporated would be figured out in the next part of the process.

Malloy: Would the applicant be ok with zero residential on this lot?

Dobler: I think it is early enough in the game, I think we would be a little hesitant to limit what can be done on the 12 acres.

Malloy: How can you annex something without zoning?

Herrington: We would hold off on the annexation ordinance till the zoning is decided. If the developer does not like the zoning they could walk away, and the annexation would die. If you wanted to do CCM that would have to come back.

Public Hearing Closed at 6:46 pm.

Discussion

Motion by Malloy to approve the property in question into the City of Post Falls.

Second by Walker.

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

Motion Carried

- Amendments to the zoning map should be in accordance with the Comprehensive Plan and the Future Land Use Map – Everyone agreed it did.

Malloy: I feel like we get backed into a corner. We do not have to annex anything. So be separating it out, yes it makes sense to annex and now with the Comprehensive Plan we are going to get painted into a corner on the zoning.

Herrington: The discussion to annex can be decided by anything. The zoning decisions should follow our criteria.

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

Malloy: None of us have a crystal ball and can't see into the future.

Ziegler: It is hard to know when we do not know what is going in there. I have a hard time with "improving aesthetic beauty" if it is going to be a 4-story apartment building.

Borders: Safety is an issue for me. a 30ft access out to Hwy 41 is not safe. Which would be there until a backage road would be put in.

Shove: There is so much unknown.

Malloy: I would like to table this discussion until we can get some kind of workshop on how we are supposed to calibrate our crystal balls. I do not see how we are supposed to make a decision on these goals and policies when we have no idea on what is going in.

Mayor: I agree.

Motion by Malloy to table the Morrie Annexation until such time as a special workshop with city staff and Council clarifying how the decision-making process shall go with the new policies.

Second by Walker.

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

c. Wellsprings Annexation ANNX-0001-2022

Public Hearing Opened at 7:10 pm.

Staff Report

Laura Jones, Associate Planner presenting: The request is to annex approximately 9-acres into the City of Post Falls with a zoning designation of Medium Density Residential (R-2) and Limited Commercial (LC). The subject property is located on the southeast corner of W. Prairie Avenue and N. Greensferry Road.

Applicant

Bart North, North Engineering: I thought it might be useful to give you a little background on how we got to this point. In 2006 Pastor John Devries, with support of his congregation, purchased this parcel with the intent of constructing the Wellsprings of Life Christian Fellowship. Which is a Fivefold Ministry Full Gospel Church and Training Center. It, of course was and still is currently in the county and in 2006 Pastor John submitted a Conditional Use Permit which gave it the designation C-1132-05 and over the course it was approved and issued in January 2007. As Pastor John moved forward with the project the 2008 housing bubble burst and with the recession, he was unable to build. From 2008 to present, it has been a recovery process. It was discovered in a pre-application meeting with Kootenai County during the lapse of time the city boundary had moved up to this parcel and city services were adjacent to the southwest corner of this property. Applying for Annexation is the only path forward for the success of this project. Now this property has double frontage and the cost of extending infrastructure to City Standards for annexation is substantial, the intent is to construct a church facility however, to fund the improvements required for annexation Fivefold Ministries found

the need to propose the subdivision. The 3-acre Limited Commercial lot is where the proposed church facility will be constructed, and the subdivision is R-2. All but 4 lots are proposed to be single-family detached residential, and the 4 lots located to the southwest corner are the proposed duplex lots. Regarding the Limited Commercial lot there is a potential approach onto the residential roadway. There will be a formal submittal and it would be reviewed at time of site plan however, potentially a restricted access onto Greensferry Rd. and Prairie Ave.

Testimony

In Favor – None

Neutral – None

In Opposition – None

Public Hearing Closed at 7:29 pm.

Discussion

Motion by Malloy to approve the Wellsprings Annexation.

Second by Borders.

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

Motion Approved

Motion by Malloy to approve the Wellsprings Annexation zoning of Limited Commercial (LC) and Medium Density Residential (R-2).

Second by Borders.

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

Motion Approved

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:

None

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. Ordinance Closing Expo Urban Renewal Area

Motion by Borders to place the proposed Ordinance Closing Expo Urban Renewal Area on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; RECITING A BRIEF HISTORY OF THE EXPO URBAN RENEWAL PLAN APPROVED PURSUANT TO POST FALLS ORDINANCE 1011; DIRECTING TERMINATION OF THE EXPO URBAN RENEWAL REVENUE ALLOCATION AREA ESTABLISHED PURSUANT TO POST FALLS ORDINANCE 1011; AUTHORIZING CITY STAFF TO TAKE ALL STEPS TO IMPLEMENT THIS ORDINANCE; PROVIDE FOR REPEAL OF CONFLICTING ORDINANCE PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion by Borders to approve Ordinance Closing Expo Urban Renewal Area, 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, Ziegler-Aye, Thoreson-Aye, Shove-Aye, Malloy-Aye, Walker-Aye

Motion Carried

b. Greensferry Grove ROW Issue

Bob Seale, Community Development Director presenting: A comment at a City Council meeting in the mid-2021 was made by a member of the Greensferry Grove HOA regarding the unfinished status of a strip of land along Greensferry. City Council directed staff to come up with alternatives and discuss options with the HOA and return for recommendations/direction from Council. The subdivision of approximately 4 acres at the corner of Greensferry Rd. and 16th Ave. was platted in October 2018 and completed between 2020-2021. After cash outs for right of way improvements and the completion of the majority of the remaining public improvements along Greensferry, a strip of land between the sidewalk and fence line remained unimproved. It was determined by the HOA and staff that the preferred remediation method would be to excavate that area to an appropriate depth, apply long-acting weed and bug killer, and finish with a black basalt rock similar to the rock near the entrance to the subdivision off 16th Ave. The cost would run between \$10,000 to \$15,000.

Motion by Thoreson to approve the expenditure for the Greensferry Grove ROW Issue.

Second by Malloy.

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

Howard Burns: Special Use permits should be able to be appealed by Citizens without a fee and by Council members if they choose to.

Michael Cronin: Spoke about speeding, density, and noise of traffic on Cecil between Mullan and 12th St.

Sherri Scofield: Concerned about the high-density housing going in the city and the parking requirements for them not being adequate. We do not need any more high-density housing.

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. Frontage Improvement Waiver Requests Process

Jon Manley, Planning Manager presenting: Items that are looked at when a request comes in:

- Is it a residential addition?
- Redevelopment (increased density)
- Proximity to schools
- Proximity to bus routes
- Proximity to other improvements

b. Citizens Issues with TDS

Shelly Enderud, City Administrator presenting: City staff was not aware this citizen was having problems with TDS. Once they were made aware of it, staff contacted TDS and was told they had contact with the wife of the citizen on Monday and was waiting for a call back.

c. Coeur Terre Update (Hemmingson Property)

Shelly Enderud, City Administrator presenting: This project held an open house on May 4th at the Kroc Center. The current design and zoning of this project is east of Huetter and is primarily residential. There are no annexation plans for the property west of Huetter until a final decision on the Huetter Bypass has been made.

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.

Thoreson: May 17th is Norwegian Constitution Day. The group is very thankful for the city with the use of the park for their celebration.


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 8:23 PM



Ronald G. Jacobson, Mayor





Shannon Howard, City Clerk

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

Mayor Ronald G. Jacobson

Councilors: Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

Mission

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

Vision

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

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