



**CITY COUNCIL
MEETING MINUTES**

**June 21, 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 – **Present**
Kenny Shove - **Excused**

Topic: FY 2022 Budget Workshop

Jason Faulkner, Finance Director and Teresa Benner, Human Resources Director presenting:
Benner: In 2022 we did a compensation survey that was delayed from 2020 due to COVID. Forty-nine positions were looked at with at least one from each section of the kinds and level chart. Overall, it showed that we were lagging other like sized agencies on our pay. This year we are proposing a 3.5% COLA and a 4.5% Merit. We also want to change it so that at 12 years with the city you would be at the top of your pay range.

Faulkner: at the July 5th City Council meeting there will be the tentative budget resolution. This is just to set the highest the budget could go. At the August 16th City Council meeting we will have the Fee Public Hearing and the Budget Public Hearing

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 – **Present**
Kenny Shove - **Excused**

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- a. Movie in the Park will be this Friday June 24th at Tullamore Park.
- b. City business offices will be closed on Monday, July 4th.
- c. Introduction of Jaxon Fleshman as the New Project Manager to the Public Works, Project Division

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 – June 7, 2022, City Council Meeting
- b. Payables – May 31, 2022 – June 13, 2022
- c. Whiskey Flats 2nd Addition Subdivision Plat Application
- d. The Pointe 4th Addition Subdivision Master Development Agreement File No. SUBD-0018-2021
- e. Pointe at Post Falls 4th Addition Development Phase 1 Construction Improvement Agreement
- f. North Place East 1st Addition Subdivision Construction Improvement Agreement
- g. Montrose 16th Addition Subdivision Construction Improvement Agreement
- h. Kootenai County Fire and Rescue Intergovernmental Agreement for the Collection and Expenditure of Impact Fees
- i. Kootenai County Emergency Medical Services System Intergovernmental Agreement for the Collection and Expenditure of Impact Fees
- j. Cash and Investment Report for April 2022

Motion by Malloy to approve the Consent Calendar as presented.

Second by Borders.

Vote: Walker-Aye, Malloy-Aye, Thoreson-Aye, Ziegler-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. Mongeau Meadows Annexation

Public Hearing opened at 6:04 pm.

Staff Report

Ethan Porter, Associate Planner presenting: The owner is Wildhorse Investments, LLC and the Applicant is Whipple Consulting Engineers. The requested action is for the City Council to approve the annexation of approximately 3.91 acres with the zoning designation of Single-Family Residential (R-1). 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 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 R-1 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.
- Annexation proposed is not near higher intensity urban activities, which would primarily be along Highway 41, Mullan Ave., Seltice Way, and some along Spokane St.
- Industrial is not being requested so this criterion is not applicable.

All agencies have been notified with Kootenai County Fire and Rescue reserves comments for the permitting process with the Post Falls Police Department remaining neutral. Post Falls Highway District requests the City to annex all right-of-way on 16th Ave. from Syringa St. to the west property line of parcel 0-6360-35-039-AC and the Department of Environmental Quality had general comments pertaining to the time of construction.

Applicant

Ray Kimball, Whipple Consulting Engineers: This is the Central Island within the City of Post Falls and is a focus area to encourage annexation and development. This area is hard to bring new development because there are already so many smaller parcels. Across 16th is a phase of Singing Hills, or Windsong which is a single-family subdivision much like the one being presented tonight. This is compatible with the street classification. 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. The city has the ability and capacity to serve water and sewer to the property. The right-of-way will be dedicated for 16th Ave. to City standards and provisions have been made to adequately provide connectivity to adjacent properties. There are no know hazards or topographical conditions that are incompatible and meets all the requirements of the R-1 zoning.

Testimony

In Favor – AJ Bennet not wishing to speak and Wade Jacklin not wishing to speak.

Neutral – None

In Opposition – None

Public Hearing Closed at 6:16 pm.

Deliberation

Warren Wilson, City Attorney: Does it make sense to annex this into the city?
Council all agreed yeas as it is a county island and infill.

Zoning Criteria:

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
Malloy: The Land Use Map shows low density, and this is low density.
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Malloy: It is infill and will help connect pedestrian pathways, and it provides a variety of housing.
3. Zoning is assigned following consideration of such items as street classifications, traffic patterns, existing development, future uses, community plans, and geographic or natural features.
Mayor: Ethan showed this in his report.
Malloy: There is already a bunch of R-1 around it.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
Not Applicable
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.
Mayor: As we move further north the density gets lower.
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 by Malloy to approve the Mongeau Meadows Annexation and that the parcel be assigned the zoning of R-1 and to direct staff to bring back an Ordinance and Reasoned Decision at a future Council meeting.

Second by Thoreson.

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

Motion Carried

b. School District Zone Change from Single-Family Residential (R-1) to Public Reserve (PR)
Public Hearing opened at 6:21 pm.

Staff Report/Applicant

Jon Manley, Planning Manager presenting: The City of Post Falls Planning Division is seeking to rezone approximately 3 school sites from Single-Family Residential (R-1) zoning to the Public Reserve (PR) zoning district. Why the Planning Department is the applicant on this is it might have been 10 years ago that we got rid of the Public Reserve zone because it was mismatched. There were private developments that were Public Reserve and there was no consistency so we did away with it with the idea that someday we would bring it back. The other caveat on that is for the school sites with the current R-1 zone, that it was designated and required them to apply for a Special Use Permit for any type of changes. We already know their use, it's a school and this zone, Public Reserve will allow them to function as a school for any future developments. Many of the Zone Change Criteria are not applicable however, we do need to see if it matches up with the Future

Land Use Map, the traffic patterns goals and policies and existing developments, land uses and community plan. These are already developed sites, so we are doing a cleanup.

Testimony

In Favor – None
Neutral – None
In Opposition – None

Public Hearing Closed at 6:28 pm.

Deliberation

Zoning Criteria:

1. Consistent with Future Land Use Map.
Malloy: Yes.
2. Consistent with goals and policies found in the Comprehensive Plan.
Malloy: I struggled with this because the schools are already there, but it supports the community's needs.
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.
Not Applicable
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
Not Applicable
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 by Malloy to approve the school district zone change from single-family residential (R-1) to public reserve (PR) and to direct staff to bring back an Ordinance and Reasoned Decision at a future Council meeting.

Second by Borders.

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

Motion Carried

3. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS

This section of the agenda is to continue consideration of items that have been previously discussed by the City Council and to formally adopt ordinances and resolutions that were previously approved by the Council. Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements.

ACTION ITEMS:

- a. Resolution – Council and Commission Meeting Recess Procedures

Warren Wilson, City Attorney presenting: The proposed resolution is in response to recent case law changes in public meetings law requiring the need for changes to our section on Audience Behavior. The furtherance of the government's purpose of conducting orderly, efficient, and productive meetings has been deemed a satisfactory governmental interest to justify curtailing certain free speech. The First Amendment does not forbid a viewpoint-neutral exclusion of speakers who would disrupt a nonpublic forum and hinder its effectiveness for its intended purpose. When the restrictions become viewpoint-based and/or are applied in a heavy handed or ham-fisted manner, courts tend to look unfavorably on the policy itself. Must apply the term "disruptive" to conduct rather than ideas, if applied to ideas then viewpoint discrimination will be found to have occurred. As such, the policy has been updated to cover Disruptive Audience behavior to address profane, disrespectful, or threatening language and address when disruptive conduct raises to a level that hinders the effectiveness of the sitting body's purpose of conducting an orderly, efficient, and productive meeting.

WHEREAS, during a public meeting situation may arise requiring a call to recess; and
WHEREAS the City Council find it beneficial to provide procedures to better facilitate and guide what actions give rise to the need for calling a recess.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Post Falls that Exhibit A entitled "City of Post Falls Council and Commission Meeting Recess Procedures", attached hereto is hereby incorporated into this Resolution, as if set forth fully, and made a part hereof, is hereby adopted to be applied in matters necessitating the recess of public meetings. This Resolution passed by a majority of the Post Falls City Council, shall be in full force and effect from and after its passage and approval according to law until superseded by a resolution addressing the same matter.

Motion by Thoreson to approve the Resolution – Council and Commission Meeting Recess Procedures and to direct the Clerk to assign the appropriate number.

Second by Ziegler.

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

Motion Carried

b. Resolution – Land Use Hearing Procedures

Warren Wilson, City Attorney presenting: The Land Use Hearing Procedures contains the process for conducting public hearing for land use matters. It governs notice, conduct, and rules for different types of public hearings. Recent changes in case law have necessitated an update to our hearing procedures. The most substantial change is to Content of Testimony and Conduct of the Witness. The changes are to ensure that our policy furthers the purpose of conducting orderly, efficient, and productive meetings by limiting viewpoint-neutral exclusion of speakers who disrupt the nonpublic forum and hinder its effectiveness for its intended purpose.

WHEREAS Idaho Code §67-6534 requires that cities maintain a regular set of procedures for conduct of public hearings held by the City of Post Falls Planning and Zoning Commission and City Council in matters governed by the Local Land Use Planning Act; and
WHEREAS, from time to time it is beneficial to review and revise those hearing procedures to better facilitate input from the public and to promote a thorough and expeditious hearing; and
WHEREAS the City Council adopts the foregoing as its findings of fact justifying its adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Post Falls that all prior land use public hearing procedures are hereby repealed.

BE IT FURTHER RESOLVED that Exhibit A entitled "City of Post Falls Public Hearing Procedures", attached hereto is hereby incorporated into this Resolution, as if set forth fully, and made a part hereof, is hereby adopted to be applied in matters concerning land use related public hearings. This Resolution, passed by a majority of the Post Falls City Council, shall be in full force and effect from and after its passage and approval according to law until superseded by a resolution addressing the same subject matter.

Motion by Thoreson to approve the Resolution – Land Use Hearing Procedures and to direct the Clerk to assign the appropriate number.

Second by Malloy.

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

Motion Carried

- c. Resolution – Kootenai County Fire & Rescue (KCFR) and Kootenai County Emergency Medical Services (KCEMSS) Comprehensive Plan Amendment

WHEREAS, Idaho's Local Planning Act, Idaho Code Title 67, Chapter 65, requires Idaho cities to carry out planning duties necessary for the adoption and amendment of a Comprehensive Plan from time to time; and

WHEREAS, Kootenai County Fire & Rescue (KCFR) and Kootenai County Emergency Medical Services System (KCEMSS), cannot collect impact fees without an intergovernmental agreement with a municipality or county and in order for the city to collect development related impact fees to turn over to KCFR and KCEMSS the City must have the Capital Improvement Plans (CIP) adopted in the Comprehensive Plan; and

WHEREAS, On January 11, 2022, the Post Falls Planning and Zoning Commission held a public hearing, in compliance with provisions of the Local Planning Act, concerning the adoption of the Post Falls Comprehensive Plan Amendment and recommended that the Amendment be adopted by the City Council; and

WHEREAS, On February 15, 2022, the Post Falls City Council also held a public hearing to consider the Amendment and after consideration directed that city staff prepare a resolution to adopt the Plan.

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

That the adopted 2020 Post Falls Comprehensive Plan be amended with the attached Exhibit S-1 which adds the following language to the Fire Protection/Emergency Services section in Chapter 5 – Public Services, Facilities & Utilities:

The City Council has adopted Development Impact Fees for KCFR and KCEMSS and entered into Intergovernmental Agreement and Joint Powers Agreements for the Collection and Expenditure of Development Impact Fees for Fire District and EMS Systems Improvements by and between the City and the Kootenai County Fire and Rescue District and Kootenai County Emergency Medical Services System pursuant to Idaho Code 67-8204A and 67-2328 for the Collection and expenditure of Fire District and EMS System Impact Fees for both Residential and non-residential development.

The following Capital Improvement Plans are Incorporated by Reference to this Comprehensive Plan:

- Kootenai County Fire & Rescue Impact Fee Study and Capital Improvements Plan

- Kootenai County Emergency Medical Services System (KCEMSS) Impact Fee Study and Capital Improvement Plans

Motion by Thoreson to approve the Resolution – Kootenai County Fire & Rescue (KCFR) and Kootenai County Emergency Medical Services (KCEMSS) Comprehensive Plan Amendment and to direct the clerk to assign the appropriate number.

Second by Malloy.

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

Motion Carried

- d. Ordinance – Kootenai County Fire & Rescue (KCFR) and Kootenai County Emergency Medical Services System (KCEMSS) Impact Fees

Motion by Thoreson to place the Ordinance – Kootenai County Fire & Rescue (KCFR) and Kootenai County Emergency Medical Services System (KCEMSS) Impact Fees on its first and only reading by title only while under suspension of the rules.

Second by Borders.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR A NEW CHAPTER TO THE POST FALLS MUNICIPAL CODE TO PROVIDE DEVELOPMENT IMPACT FEES FOR FIRE AND EMERGENCY SERVICES; PROVIDING AUTHORITY AND PURPOSE, PROVIDING FOR IMPOSITION OF SUCH FEES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR INDIVIDUAL ASSESSMENTS AND EXTRAORDINARY IMPACTS; PROVIDING FOR CREDITS AND REIMBURSEMENTS; PROVIDING FOR PAYMENTS; PROVIDING METHODOLOGY FOR CALCULATING IMPACT FEES; PROVIDING FOR REFUNDS AND ACCOUNTING; PROVIDING FOR APPEALS, PROTESTS, AND MEDIATION' PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Motion by Thoreson to approve the Ordinance Kootenai County Fire & Rescue (KCFR) and Kootenai County Emergency Medical Services System (KCEMSS) Impact Fees and to direct the Clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

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

Motion Carried

- e. Ordinance – Smock Vacation

Motion by Thoreson to place the Ordinance Smock Vacation on its first and only reading by title only while under suspension of the rules.

Second by Ziegler.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF RIGHTS OF WAY SITUATED IN THE NORTH-

SOUTH ALLEY IN BLOCK 6, THE EAST-WEST ALLEY IN BLOCK 6 AND A PORTION OF SIXTH STREET ADJOINING THE SOUTHERLY LINE OF BLOCK 6 OF THE PLAT OF SHANKS-BOYD ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK B OF PLATS, PAGE 62, RECORDS OF KOOTENAI COUNTY, IDAHO; LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN AS DESCRIBED HEREIN; PROVIDING FOR DISPOSITION OF THE VACATED RIGHT OF WAY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion By Thoreson to approve Ordinance Smock Vacation and to direct the Clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

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

Motion Carried

f. Live After 5 Contract Addendum

Bryan Myers, Parks Manager presenting: This is an addendum to the agreement with the Davis Enterprises, Inc. for a weekly concert series called "Live After Five". The amendment to the contract reflects the terms requester by Live After Five to relocate from the Amphitheater to the South Lawn at Tullamore Parks for the remainder of the Contract term. This move is aimed to improve visibility and improve the setting for the performers. The west facing stage is exposed to the late afternoon sun making it difficult to secure acts willing to play for 2-hour sets. In consideration the city would be compensated \$1,380 for one year to offset the lost revenue potential from the Department's outdoor Volleyball program.

Motion by Thoreson to approve the Liver After Five Contract Addendum.

Second by Malloy.

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

Motion Carried

g. Crown Pointe Park Regrading

Bryan Myers, Parks Manager presenting: The City of Post Falls accepted dedication of Crown Pointe Park from MCD Properties LLLP in October of 2018. The park was dedicated to the City as outlined in the Master Development Agreement for the Smart Code Development Project. The City accepted the ownership of the property in its existing condition with the assumption of all responsibility for the maintenance and preservation of the property as a public park. The City has modified the facility from the condition it was received by adding flush restroom facilities, installing playground fixtures, and coating the sports courts with colored epoxy surfacing. These improvements were done to meet the development standards of public neighborhood parks. The current project is the next step in the transformation of this park to meet the development standards of public parks. The existing site grading contains large variations that result in seasonal puddling, trip issues and large stones. The irrigation mainline configuration and irrigation head spacing results in irrigation system inefficiencies. The parks division is seeking a contractor to furnish 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.

A future construction contract will be brought back to the Council for approval and funded through dedicated funds within the City's General Fund Budget.

Motion by Malloy to approve advertising for bids for the Crown Pointe Park Regrading Project.

Second by Borders.

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

a. Proposed Update to Post Falls Code Chapter 13.20 Wastewater Discharge Restrictions Craig Borrenpohl, Utility Manager presenting: The Idaho Department of Environmental Quality (IDEQ) recently reviewed the City of Post Falls Industrial Pretreatment Program for compliance with State and Federal requirements. IDEQ made several recommendations to ensure municipal code accurately reflects program administrative procedures. In summary, the Code has been modified to allow for monitoring waivers and reduced compliance reporting. A required modification to the Code has also been made to ensure industrial dischargers are immediately reporting slug or accidental discharges to the City. 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 for an efficient 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. Public comment on these changes will be taken at the Water Reclamation Department.

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.

Nancy White (Blanchard) spoke about the Senior Center now being run by the Post Falls Food Bank and how the seniors were told that the lunches would be replaced by a continental breakfast instead. The senior enjoy the lunches and she asked if the city could to anything to keep them.

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. Concept and Calculation of Capacity Fees

John Beacham, Public Works Director presenting: Idaho Code 50-1030 (f) authorizes municipalities to collect fees. Capacity Fees are calculated by dividing the net system replacement value by the number of users the system can support. Further court cases have limited them to the cost of replacing existing infrastructure.net replacement value is defined as the gross system replacement value less unfunded depreciation and outstanding bond principal. Capacity Fees are not calculated on future needs, and it is not a connection fee or meter fee.

b. A Snapshot Look at Residential and Commercial Development from 2020-2022, Bob Seale, Community Development Director presenting.

This is moved to the next City Council meeting.

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):

- 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 Thoreson 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 30 minutes.

Second by Borders.

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

Motion Carried

RETURN TO REGULAR SESSION 7:37 PM

ADJOURNMENT 7:37 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"