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**CITY COUNCIL  
MEETING MINUTES**

**August 16, 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**

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

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

- Last week's movie in the park was cancelled due to severe weather, but the good news is it has been rescheduled. Sing 2 is now playing at Syringa Park this Friday, August 19<sup>th</sup>, movie starts at sunset.
- City Hall and City business offices will be closed Monday, September 5<sup>th</sup> in observance of Labor 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.

**AMENDMENTS TO THE AGENDA**

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

**None**

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

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

**None**

**1. CONSENT CALENDAR**

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

**ACTION ITEMS:**

- a. Minutes – August 2, 2022, City Council Meeting
- b. Minutes – August 9, 2022, City Council Special Meeting

- c. Payables – July 26, 2022 – August 8, 2022
- d. Cash and Investments for June 2022
- e. Douglass Properties Annexation City Council Legislative Decision
- f. The Pointe Zone Change Reasoned Decision
- g. Stone’s Throw Subdivision Construction Improvement Agreement
- h. Frontage Improvement Waiver Request for 216 W. 14<sup>th</sup> Ave.
- i. Utility Billing July 2022 Refunds
- j. Jacklin-Prairie Annexation Development Agreement and Dedications of Right-of-Way and Easement.
- k. The Pointe Zone Change Development Agreement
- l. Jacklin-Prairie Annexation Reasoned Decision

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

**Second by Ziegler.**

**Vote: Walker-Aye, Malloy-Aye, Shove-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. Proposed Budget for Fiscal Year 2023

**Public Hearing opened at 6:03 pm.**

### Staff Report

Jason Faulkner, Finance Director presenting:

	<u>Budgeted FY 21-22</u>	<u>Proposed FY 22-23</u>
General Fund Dept Expenses	\$ 29,528,400	\$ 38,895,787
General Fund DED Accounts	\$ 7,460,852	\$ 7,981,000
Total GF Expenditures	\$ 36,989,252	\$ 46,876,787
Total Special Rev Fund Exp	\$ 1,249,504	\$ 1,647,066
Total Capital Project Fund Expense	\$ 32,725,984	\$ 13,542,140
Total Debt Service Fund Expense	\$ 528,150	\$ 528,150
Total Enterprise Fund Exp	\$101,959,656	\$ 68,088,573
Total All Fund Expenditures	\$173,452,546	\$130,682,716
Total All Estimated Resources	\$173,452,546	\$130,682,716

### Testimony

In Favor – None

Neutral – None



In Opposition – None

**Public Hearing closed at 6:32 pm.**

**Motion by Malloy to approve the Proposed Budget for Fiscal Year 2023 and to bring an Ordinance forward.**

**Second by Borders.**

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

b. Update to Fee Resolution Fiscal Year 2023

**Public Hearing opened at 6:34 pm.**

**Staff Report**

Jason Faulkner, Finance Director presenting:

Water rates – 3.0% increase

Wastewater rates – 2.5% increase

Reclaimed Water Capitalization Fees – 16.31% increase

Water Capitalization Fees – 13.3% decrease

Impact Fees – 8.9% increase

Sanitation Fees – 7.0% increase

Parks and Recreation – various

Rate comparison to prior year

	<u>FY2022</u>	<u>FY2023</u>	<u>Variance</u>
Sanitation	\$11.55	\$12.36	\$0.81
Water Connection	\$12.07	\$12.44	\$0.37
Water Use (5,000 gal.)	\$ 6.65	\$ 6.85	\$0.20
Wastewater	<u>\$65.16</u>	<u>\$66.79</u>	<u>\$1.63</u>
Total	\$95.43	\$98.44	\$3.01

All proposed fees would go in effect on October 1, 2022.

**Testimony**

In Favor – None

Neutral – None

In Opposition – None

**Public Hearing closed at 6:38 pm.**

**Motion by Malloy to approve the Fee Resolution for Fiscal Year 2023 and to bring an Resolution forward.**

**Second by Borders.**

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

c. Ashlar Ranch Annexation File No. ANN-4-2022

**Public Hearing opened at 6:39 pm.**

**Staff Report**

Laura Jones, Associate Planner and Jon Manley, Planning Manager: The applicant is requesting annexation approval with the zoning designation of Single-Family Residential (R-1) on approximately 10 acres. The subject property is located east of Highway 41 and north of E. 12<sup>th</sup> Avenue. The water provider is Ross Point Water District, and the wastewater provider is the City of Post Falls.

Benefits of this annexation

- Prevents sub-standard development in the County.
- Address future needs through Annexations.
- Promotes compatible, well-designed development.
- Addresses lack of available single-family residences available.
- Creates housing for residents of all ages.
- Improved design standards for multi-family with open space requirements (increased setback/buffer requirements).
- Pay impact fees to Parks, Public Safety, Streets, and Multi-modal transportation.
- Highway 41 corridor is near completion.
- The I-90/Highway 41 interchange is to be completed in 2025.
- Development will dedicate and enhance adjoining roadways with necessary pedestrian and road improvements, growth paying for growth.
- Plan for and protect transportation corridors from encroachment and preserve adequate rights-of-way for future corridors including utility facilities.
- Contributes to the expansion of 12<sup>th</sup> Ave. Lift Station and force main, and southern sewer line of Actual Meyer Line.

Concerns

- Approximately 25% of workforce can afford single-family housing, whereas 5 years ago 75% could.
- Interchange to be under construction through 2025. This is a temporary inconvenience and may be conditioned accordingly.
- Adequate parks.
- Impact to the schools.
- Parking

The subdivision should not have a negative impact on the local transportation system. The proposed layout accommodates future connectivity.

**Applicant**

Jeramie Terzulli, Olsen Engineering: The requesting annexation with R-1 zoning designation is compatible with surrounding uses and development patterns. Sewer and water are available. Design standards can be met, and no variances are being requested. This is consistent with the Comprehensive Plan. The conditions of approval have been reviewed and accepted. There is citizen and neighborhood support. The Planning and Zoning Commission unanimously voted to adopt R-1 zoning designation. The development/annexation agreement has been executed by the owner. Mr. Palus told us that the Master Transportation Plan has a ¼ mile backage road planned so that was incorporated into our design. The Hwy 41 from Mullan to Prairie is substantial completion in October of 2022. The intersection signals to begin coming online in 1-2 weeks. The I-90/Hwy41 interchange has started a year earlier than anticipated and is expected to be completed in 2025-2026.



Ashlar Ranch construction timeline if approved is:

- Approved subdivision plans – spring 2023
- Subdivision construction – summer 2023
- Building permits for 10-12 homes – fall 2023
- Certificate of occupancy for first 10-12 homes – spring/summer 2024
- Completion of 27 homes – 2025-2026 (depending on market demand)

### Testimony

In Favor

Jeremy Voeller (Post Falls): I am a member of the ownership group on this project and also the builder. I have been building in the community for a long time. We believe in the larger lots with features that are upgraded from what is standard in the market.

Anne Hayes (Post Falls): I am in favor of this project. There are a few concerns I have. Devon Dr. is a dead end in the back of our property, not sure how that is going to work out. We do like the density and do not want it to get more dense. I have a concern about how it will impact the residents on Maverik Ln. it is a single lane dirt road that is privately maintained. How will this be addressed?

Warren Wilson, City Attorney: The subdivision has been approved by the Planning & Zoning Commission and usually you will not see a lot amount increased. It would have to go back through the public hearing process to increase lot counts.

Rob Palus, Assistant City Engineer: Maverik Ln. would be treated as other similar areas in the city with signs.

Neutral

Gary Aittama (Post Falls): What is the plan for the end of 12<sup>th</sup> St. where it turns into Maverik Ln? I think the best solution would be to put up a barricade.

Mayor: I just got confirmation from Mr. Palus they would put a barricade in.

In Opposition

None

### Rebuttal

Terzulli: Maverik Ln. is a much less desirable rout. We will accommodate the residents of Maverik Ln. to the best of our ability.

### Public Hearing closed at 7:31 pm.

Mayor: First question is annexation. Council, should this be annexed?

Malloy: Annexation could make sense.

Borders: I agree.

Ziegler: I agree with that.

Public Hearing

Zoning Criteria

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

Thoreson & Borders: Yes.

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

Thoreson: Yes.

Malloy: Connectivity with backage 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.

Malloy: There is a lot of approved building along Hwy41 that hasn't been built out yet. Hwy41 is close to being done but the interchange is a few years out. Putting additional traffic on that corridor gives me pause. In this case it is large lot R-1. But nothing is set in stone until the homes are built. There is really no way anyone could get more than 30 lots and maintain R-1. The transportation benefit is a block of backage road. The benefit outweighs the cost.

Borders: We get aquifer protection by having a sewer system there. The backage road is a good start.

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.

Malloy: It locks in at a lower density.

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 Thoreson to approve the Ashlar Ranch Annexation File No. ANNX-4-2022 with the R-1 zoning designation and have staff prepare the final ordinance for annexation**

**Second by Malloy.**

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

**Motion Carried**

**Council took a five-minute break at 7:38 pm and came back at 7:44 pm.**

- d. Bel Cielo III Annexation File No. ANNX-22-6

**Public Hearing opened at 7:44 pm.**

### **Staff Report**

Laura Jones, Associate Planner and Jon Manley, Planning Manager: The applicant is requesting annexation approval with the zoning designation of High Density Residential (R-3) on approximately five acres. The subject property is located east of Highway 41 and south of E. 16<sup>th</sup> Avenue. The water provider is Ross Point Water District and Wastewater by the City of Post Falls.

Benefits of the annexation

- Prevents sub-standard development in the County.
- Address future needs through annexations.



- Promotes compatible, well-designed development.
- Addresses approx. 1% vacancy rate in the multi-family sector.
- Creates housing for residents of all ages.
- Improved design standards for multi-family with open space requirements (increased setback/buffer requirements).
- Pay impact fees to Parks, Public Safety, Streets, and Multi-modal transportation.
- Highway 41 corridor is near completion.
- I-90/Highway 41 interchange to be completed in 2025.
- Development will dedicate and enhance adjoining roadways with necessary pedestrian and road improvements, growth paying for growth.
- Plan for and protect transportation corridors from encroachment and preserve adequate rights-of-way for future corridors including utility facilities.
- Contributes to the expansion of 12<sup>th</sup> Ave. Lift Station and force main, and southern sewer line of Actual Meyer Line.

#### Concerns

- I-90/Highway 41 interchange to be under construction through 2025. This is a temporary inconvenience and may be conditioned accordingly.
- Adequate parks.
- Impact to the schools.
- Parking.

#### **Applicant**

Drew Dittman, Lake City Engineering: I brought this to Council in 2019. Some of you have seen this annexation request before. Nothing has really changed since then. There really was not any opposition to the zoning but it was the time. That was before the Hwy41 expansion started. It was denied and we took that as bring this back, we waited three years. The Hwy41 expansion is close to being done. We are asking for R-3 and Planning & Zoning gave us their support. We think this is a good fit for the city. It is surrounded by R-3.

#### **Testimony**

In Favor

None

Neutral

Samantha Steiglider (Post Falls): I think the annexation is fine. I would encourage Council to encourage more R-2 developments. This would be a great place for R-2. Then we could not just have people renting but buying homes.

In Opposition

Cheryl Danner (Post Falls): We live directly across from Bel Cielo. My concern is they have not provided any place for children to play. The other thing is parking on 16<sup>th</sup>. Normally, apartments allow for two parking spaces. The extra cars are parking on 16<sup>th</sup>.

Anne Hayes (Post Falls): We already have too many rental properties in Post Falls, and we have not even found out what the impacts are of so much high-density.

Bob Flowers (Post Falls): Everyone says 41 is almost done. If that is almost done, then we are in trouble. There have been so many apartments approved and not built. We need to see the stuff already approved be built and see the impact

#### **Rebuttal**

Dittman: Yes, there are a lot of apartment projects in Post Falls, but we still have a less than 1% to 2% vacancy rate. There is a demand for it. the city does now have open space requirements in place. That was not there when the first two phases were built. We will have to provide that in this project. Parking is an issue. 16<sup>th</sup> was designed to allow on street parking. Is it crowded, yes it is. We will provide parking per City Code. Staff has said they do not predict any traffic problems on 16<sup>th</sup> which is a major collector.

**Public Hearing closed at 8:22 pm.**

Mayor: Is Council interested in annexing this property?

Thoreson: Yes.

Walker: Yes.

Public Hearing  
Zoning Criteria

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

Borders: Yes, business commercial and R-3 is planned there.

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

Malloy: Yes, the goals and policies talk about providing a verity of housing types

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.

Ziegler: It fits the street classification.

Borders: I think the biggest challenge I see is the on-street parking especially in the winter. I have a big problem with that.

Malloy: We could cut and paste my comments from the last hearing. 41 is not done. The interchange has not started. My concern three years ago is the same, let's build out everything that has been approved along 41 and see what everything looks like. Since them some R-3 was approved along 41. I was on the losing end of those votes. I still want to see everything get built out. The calculus I used on the previous public hearing is we have a tradeoff of completing a block of backage road for roughly 30 units, I thought that was worth it. the same calculus is another block of it for 90 units. Had it been R-2 with the same calcus it would have been a block for roughly 30 units, and I could have gotten behind that. No one area Post Falls has been more impacted by growth than the Hwy41 corridor. I have serious concerns about continuing to add pressure to the traffic on the 41 corridor.

Warren: On of the options you have if timing is an issue, we can build into the annexation agreement some timing triggers that you don't get development till certain millstone are met.

Malloy I would be open to that but one of my concerns is everything that has already been approved being built out.

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



Warren: I think you spoke of this with #2.

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 Thoreson to Approve Bel Cielo III Annexation File No. ANNX-22-6 with a R-3 zoning and have staff prepare the final ordinance for annexation.**

**Second by none.**

**Motion Died**

**Motion by Malloy to Deny the Bel Cielo III Annexation File No. ANNX-22-6.**

**Second by Ziegler.**

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

**Motion Carried**

- e. Zoning Approval Criteria File No. TA-22-5

**Public Hearing opened at 8:31 pm.**

### **Staff Report**

Jon Manley, Planning Manager presenting: The requested action is to review and approve the requested amendment to the Title 18 to accomplish attaining more clarity within the Zone Change review criteria. The proposed language is in line with State's LLUPA Title 67.

The Proposed Review Criteria:

1. Is the proposed zoning district consistent with the vision for the area contained in the currently adopted Post Falls Comprehensive Plan?
2. Does the proposed zoning district create a demonstrable adverse impact upon the delivery of services by any political subdivision providing public service within the city including, but not limited to, the Post Falls School District?

Planning & Zoning suggested adding the definition of what a demonstrable adverse impact was. Demonstrable Adverse Impact: For the purpose of the zoning review criteria contained in Section 18.20.100, a Demonstrable Adverse Impact **is a provable or verifiable negative impact created by the change in zoning classification impacting the ability of a public agency to provide services** within the city beyond those created by the current zoning classification.

The rest of the changes would be to clean up the code. We end up at the same place with fewer criteria.

Malloy: I think the change is great. The issue I have is demonstrable and has to be provable, what is the burden of proof? What constitutes proof? What level of mitigation is required?

Wilson: It would depend by case. There needs to be something in the record that shows there is a verifiable impact.

### **Testimony**

In Favor  
None  
Neutral  
None  
In Opposition

Samantha Steigleder (Post Falls): My main issue is the change in these criteria takes out the ability for the public to have an open discussion on a variety of points on what zone changing does

### **Rebuttal**

Wilson: Your yard stick is your Comprehensive Plan. When you apply zoning, it should comply with your Comprehensive Plan. When you go through zoning you have to go through your criteria and apply only the criteria.

**Public Hearing closed at 8:56 pm.**

**Motion by Malloy to table this till a workshop for more discussion can be scheduled.**

**Second by Thoreson.**

**Vote: Borders-Aye, Walker-Aye, Malloy-Aye, Shove-aye, Thoreson-Aye, Ziegler-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. Utilities Impact Fee Methodology Memorandum

Craig Borrenpohl, Utilities Manager presenting: This memorandum has been developed as part of the ongoing Water Reclamation Facility Planning Study effort. It is intended to introduce the topic of impact fees for utility infrastructure and how they differ from the existing capitalization fee. The goal of the memorandum is to present enough information for the City Council to determine if further effort to formalize an impact fee for adoption is warranted. Impact fees, permissible by Idaho Code, allow for the collection of fees to recover an equitable share of development related future system expansion costs whereas capitalization fees are limited to collecting funds relative to existing infrastructure. Post Falls currently collects capitalization fees for cost recovery with the fee updated annually. The methodology for calculating our capitalization fee was developed in 2017 by the FCS Group to ensure the fee is in line with the Idaho Supreme Court decision NIBCA vs. City of Hayden (2015). While impact fees allow for cost recovery related to future infrastructure needs, they also increase administrative requirements for the city. Regular calculation of the impact fee requires detailed planning and cost estimating for all future system improvements relative to developable areas. Further pursuit of an impact fee methodology would not require adoption of the fee; any methodology would come back before City council for consideration. A potential impact fee could be used instead of capacity fees or as two separate fees intended to capture the current and future impacts of growth more completely. There are additional costs to develop the methodology. These costs were included in the Facility Planning Study scope as an optional item with a budgeted



amount not to exceed \$36,940. The Utilities Division requests input from the City Council as to whether this additional effort should be pursued.

**Motion by Malloy to direct staff to further explore utilities Impact Fees.**

**Second by Borders.**

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

**Motion Carried**

b. Ordinance – Jacklin-Prairie Annexation File No. ANNX-0012-2021

**Motion by Ziegler to place Ordinance Jacklin-Prairie Annexation File No. ANNX-0012-2021 on its first and only reading by title only while under suspension of the rules.**

**Second by Malloy.**

**Vote: Malloy-Aye, Shove-Aye, Thoreson-Aye, Ziegler-Aye, Borders-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 94.049 ACRES, THAT PART OF THE SOUTH HALF OF SECTION 19 AND OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, ALL IN TOWNSHIP 51 NORTH, RANGE 4 WEST, B.M., KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING AN EFFECTIVE DATE HEREOF:

**Motion by Ziegler to approve Ordinance Jacklin-Prairie Annexation File No. ANNX-0012-2021 and to direct the Clerk to assign the appropriate number and that it be published by summary only.**

**Second by Malloy.**

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

**Motion Carried**

c. Ordinance – The Pointe Zone Change File No. RZNE-0001-2022

**Motion by Ziegler to place Ordinance The Pointe Zone Change File No. RZNE-0001-2022 on its first and only reading by title only while under suspension of the rules.**

**Second by Borders.**

**Vote: Shove-Aye, 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 CHANGE IN ZONING CLASSIFICATION FOR THE LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE TO COMMUNITY COMMERCIAL MIXED (CCM) ZONING DISTRICT. PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT THIS CHANGE; PROVIDING THAT ALL PRIOR ZONES APPLICABLE TO LANDS DESCRIBED IN SECTION 1 ARE HEREBY SUPERSEDED; AND PROVIDING AN EFFECTIVE DATE;

**Motion by Ziegler to approve Ordinance The Pointe Zone Change File No. RZNE-0001-2022 and to direct the Clerk to assign the appropriate number and that it be published by summary only.**

**Second by Borders.**



**Vote: Shove-Aye, Thoreson-Aye, Ziegler-Aye, Borders-Aye, Walker-Aye, Malloy-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. Property Purchase and Lease Agreements with Terry Jordan for Corbin Lift Station  
Craig Borrenpohl, Utilities Manager presenting: The Corbin Lift Station was built in the 1980s on a 30 ft by 50 ft parcel. The existing station was evaluated in the City's Wastewater Collections Master Plan and found to need upgrades including an emergency storage basin. To facilitate those upgrades, additional land was identified as a need. The existing owner, Terry Jordan, is relocating his business to another location in Post Falls. Mr. Jordan agreed to sell a portion of his existing property to provide space for the upgrades and to lease additional property to facilitate the construction of the improvements. Staff has negotiated a purchase price of \$150,000 reflecting the value of a commercial lot fronting Seltice Way. The leased property costs, \$1,500 per month, will be much less than the increased costs which would be required to construct the lift station without the additional footprint. Construction is currently expected in the summer of 2023. The proposed property purchase would provide a 100 ft by 75 ft parcel, including the parcel on which the lift station sits.

**Motion by Malloy to approve the property purchase and lease agreements with Terry Jordan for the Corbin Lift Station.**

**Second by Borders.**

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

b. Resolution - Authorizing the Procurement of Replacement of Dump Trucks for the Street Department on the Open Market

Ross Junkin, Streets Manager presenting: The FY22 approved budget included replacement funds for two Street Department dump trucks. In the Spring of 2022 Public Works advertised for bids for these dump trucks. We received no bids at that time. In discussions with manufactures, we found that potential bidders were not willing to risk submitting a bid because material prices were very volatile. At that point we discussed our options with our Legal Department and at their counsel proceeded to request quotes directly from manufactures. We reached out to three manufacturers for quotes. Only Freightliner Northwest provided a quote. The other two stated that they could not provide a quote because their body builders would not give them a price due to fluctuating costs to them. We are able to piggy-back on the Washington State contract in going with Freightliner Northwest. This will provide the city with a 40.10% discount. Staff also recommends including a 10% contingency to cover potential costs escalations. If ordered now, these trucks are expected to be delivered during the FY23 to FY24. We recommend ordering these trucks as soon as possible so that we can put them into service asap. If we decide to postpone an order, the price may increase, and we would potentially go without replacement trucks for the next few winters. The dump trucks that are to be replace are both out of service due to mechanical deficiencies, excessive costs for repairs, and lack of availability for replacement parts. Both trucks would be assigned to the Street Division and serve as dump trucks and plow trucks. City staff requests that Council ratify the



ordering on the open market of two new 2022 Freightliner Dump Trucks in the total amount of \$763,722.98.

WHEREAS, The City of Post Falls in fiscal year 2022 approved a budget which included replacement funds for two Street Department dump trucks; and  
WHEREAS, In the spring of 2022 Public Works advertised a request for competitive bids for the two dump trucks in accordance with Idaho Code; and  
WHEREAS, No bids were received by the city; and  
WHEREAS, Discussions with manufactures led city staff to conclude that material prices were volatile and therefore potential bidders were not willing to risk submitting a bid; and  
WHEREAS, Idaho Code 67-2806(2)(h) provides that the governing board may pass a resolution declaring that the subject goods or services can be procured more economically on the open market; and  
WHEREAS, the city proceeded to collect quotes directly from three manufactures; and  
WHEREAS, only one manufacture, Freightliner Northwest, provided a quote; and  
WHEREAS, Freightliner Northwest, utilizing their contract with Washington State, has agreed to provide the city with a 40.10% discount; 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:

The City attempted to procure the subject goods, the two dump trucks, through a competitive bidding process outlined in Idaho Code 67-2806, no bids were received.

The City Council finds it as a fact that the subject goods, the new 2022 Freightliner Dump Trucks, can be more economically procured on the open market.

The City Council authorizes the procurement of the new 2022 Freightliner Dump Trucks from Freightliner Northwest utilizing the discount as provided in the contract with Washington State.

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.

**Motion by Malloy to approve Resolution Authorizing the Procurement of Replacement of Dump Trucks for the Street Department on the Open Market and to direct the Clerk to assign the appropriate number.**

**Second by Borders.**

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

**Motion Carried**

## **5. CITIZEN ISSUES**

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

**None**

## **6. ADMINISTRATIVE / STAFF REPORTS**

*This portion of the agenda is for City staff members to provide reports and updates to the Mayor and City Council regarding City business as well as responses to public comments. These items are for information only and no final action will be taken.*

**None**

### 7. MAYOR AND COUNCIL COMMENTS

*This section of the agenda is provided to allow the Mayor and City Councilors to make announcements and general comments relevant to City business and to request that items be added to future agendas for discussion. No final action or in-depth discussion of issues will occur.*

Mayor: Yesterday we had the ribbon cutting for Elevate Academy and today was the ribbon cutting for the interchange.

### 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 9:38 PM**



**Kerri Thoreson, City Council President**



**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”