



**CITY COUNCIL
MEETING MINUTES**

**September 6, 2022
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

Topic: Personnel Policy Updates

Teresa Benner Human Resources Director presenting:

New Pay Strategies

- Section 410 Salary Practices – Changes in our salary practices to provide promotional paths for more of our positions and expands our list of Senior level status from officers to various other positions throughout the city. It recognizes acquired expertise and rewards employees for mentoring and training newer co-workers.
- Section 411 Incentive Pay Policies – incentives will be available for Department Heads to use to retain employees also the Cell Phone Stipend will end and replaced with an “a la carte” option that will be available to all full-time employees who have been employed for at least six months. Department Heads will determine funding and eligible reimbursement items annually and notify employees.

New Holiday

- Section 804 – Juneteenth June 19th will be added as a paid holiday.

Housekeeping Changes

- Section 808 – the change in this section is when there is a request for a leave of absence without pay that instead of the City Administrator approving it will be done by the Department Head and the HR Director.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY COUNCIL PRESIDENT KERRI THORESON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

None

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.

Motion by Malloy to remove from the agenda Consent Calendar Item C to be brought back at a later meeting.

Second by Walker.

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

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 16, 2022, City Council Meeting
- b. Payables – August 9, 2022 – August 29, 2022
- c. Bel Cielo III Annexation Legislative Decision – **Removed from Agenda**
- d. Tertiary Treatment Upgrade – Special Inspections, Request for Increase of Contract Amount
- e. Rights-of-Way and Easements for the Cecil Road Extension
- f. Amelia Apartments – Acquisition of Sanitary Sewer Easements
- g. Barnum’s Addition Zone Change Reasoned Decision
- h. Blue Spruce Meadows Subdivision Construction Improvement Agreement
- i. Third Addendum to Memorandum of Understanding with the Post Falls Urban Renewal Agency for the Cecil/Poleline and Cecil/Mullan Intersection Improvements

Motion by Malloy to accept the Consent Calendar as amended.

Second by Borders.

Vote: Ziegler-Aye, Borders-Aye, Shove-Aye, Malloy-Aye, Walker-Aye, Thoreson-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. Hydrilla Estates Zone Change File No. ZC-22-2

Public Hearing opened at 6:05 pm.

Staff Report

Jon Manley, Planning Manager Presenting: The applicant is requesting City Council to approve the zone change request from Single Family Residential Suburban (R-1-S) zoning to the designation of Single-Family Residential (R-1) on approximately 5.37 acres. On June 29th the Planning and Zoning Commission forward a recommendation of approval for the zoning designation of Single-Family Residential (R-1) zoning. Additionally, the Planning and Zoning Commission conditionally approved (subject to the zone change request) to subdivide approximately 5.37 acres into 15 lots. The water provider is East Greenacres Irrigation District and Wastewater is provided by the City of Post Falls. The Future Land Use Map designates this site as Low-Density residential.

Malloy: You said there is a plat agreement pending this decision?

Manley: There is a conditionally approved subdivision.

Malloy: So, if they wanted to go a higher density that agreement would have to be changed, correct?

Manley: They would have to bring back a new subdivision plan, a major amendment, for a public hearing in from of the Planning and Zoning Commission.

Malloy: So, if the current developer sells it and the new developer wants to do 5 units per acre what's the process there?

Manley: It would go before Planning and Zoning.

Malloy: Would it be a ton of work to do a development agreement limiting this to 15 parcels?

Warren Wilson, City Attorney: It is not a ton of work. If they want to do anything that is not on that screen, they will have to go back through another public hearing process.

Malloy: As long as it would comeback as a public hearing.

Shove: In the development agreement it says they will not begin development until the lift station is finished and 2025 is projected. Is that projected or will it be finished?

Rob Palus, Assistant City Engineer: The Water Reclamation Department has on their capital plan for that lift station to be upgraded in 2024. However, that is a couple of budget cycles out so we cannot guarantee that. If everything goes according to current planning, then 2025 would be correct.

Applicant

Ray Kimball, Whipple Consulting Engineers: With regards to the lift station the owner is going into this with his eyes wide open. His goal is to get the plans all done and ready for when the lift station is done. The owner has also been in discussion with Mr. Beacham about one of the lots being a site for the lift station. My client purchased this property a little over a year ago. Due to some squatters living there they waited until they were gone. This was annexed into the city about 15 years ago the market tanked. There are no plans for a change in density. The zoning fits the future land use map and complies with the City's transportation and sewer master plans. The R-1 zoning is supported by the comprehensive plan as described in the narrative and in the staff report. The proposed R-1 zoning is surrounded by residential uses and is over a mile away from any commercial zoning.

Testimony

In Favor

Wade Jacklin (CdA): Excellent infill location that will complete the Arrowleaf Loop. Removes the eyesore that is currently there. Many benefits to the city, community and neighbors with the approval of this subdivision.

Neutral - None

In Opposition - None

Rebuttal

None

Public Hearing closed at 6:30 pm.

Zoning Criteria

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
Malloy and Borders: Yes.
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Malloy: This provides a fairly rare housing product with large lots.
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: Completing the gravel road and filling in the connectivity of the sidewalks is a huge benefit .
Borders: Traffic circulation.
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: Farther away from Prairie, I-90, and Seltice.
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 Hydrilla Estates Zone Change File No. ZC-22-2 and direct staff to bring back a reasoned decision to a future Council meeting.

Second by Borders.

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

Motion Carried

- b. Morris Annexation ANNEX-0013-2022 (this is continued from 5/17/22)

Public Hearing opened at 6:33 pm.

Staff Report

Jon Manley, Planning Manager: The applicant is Gordon Dobler representing the owner, Harlan Douglas. The requested action is to recommend CCS zoning in support of an approximate 12 acres annexation request into the City of Post Falls. This was first brought before Council on 5/17/22. Council deliberated and moved to continuance. After the hearing the applicant proposed a development agreement revision to condition no residential uses within the annexation area.

Applicant

Gordon Dobler, Dobler Engineering: The owner is good with the restriction of no residential.

Testimony

In Favor - None
Neutral - None
In Opposition - None

Rebuttal

None

Public Hearing closed at 6:37pm.

Wilson: Is annexation of this property warranted?

Malloy: Yes, it is in the fastest expanding part of the city.

Thoreson: It connects to another commercial property.

Zoning Criteria

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
Malloy: Especially with the no residential in the development agreement this fits it to a tee.
Ziegler: I recall that was our biggest concern.
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Malloy: It fits because we need more commercial as the community grows it needs more services and jobs.
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.
Thoreson: Yes.
Ziegler: There is no direct access to 41, correct?
Palus: Access is restricted on 41 and there would be back age road development.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
Malloy: Yes.
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 Morris Annexation File No. ANN-0013-2022.

Second by Walker.

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

Motion Carried

Motion by Malloy to further move the Morris Annexation File No ANN-0013-2022 be assigned the zone Community Commercial Services (CCS) with the development agreement

saying there should be no residential on the property and direct staff to bring back a reasoned decision to a future Council meeting.

Second by Borders.

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

3. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS

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

ACTION ITEMS:

- a. Ordinance – Barnum’s Addition Zone Change File No. ZC-22-3

Motion by Walker to place Ordinance Barnum’s Addition Zone Change File No. ZC-22-3 on its first and only reading by title only while under suspension of the rules.

Second by Borders.

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

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION FOR THE LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM SINGLE-FAMILY RESIDENTIAL (R1) TO MEDIUM-DENSITY RESIDENTIAL (R2). PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING THAT ALL PRIOR ZONES APPLICABLE TO LANDS DESCRIBED IN SECTION 1 ARE HEREBY SUBERSEDED; AND PROVIDING AN EFFECTIVE DATE

Motion by Walker to approve Ordinance Barnum’s Addition Zone Change File No. ZX-22-3 and to direct the Clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

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

- b. Ordinance - FY 2023 Budget

Motion by Walker to approve Ordinance FY 2023 Budget on its first and only reading by title only while under suspension of the rules.

Second by Borders.

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

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, APPROPRIATING THE SUM OF \$129,649,625 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF POST FALLS FOR SAID FISCAL YEAR AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND

SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATIONS ARE MADE.

Motion by Walker to approve Ordinance FY 2023 and to direct the Clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

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

Motion Approved

c. Resolution - FY 2023 Fee Schedule

WHEREAS, the City of Post Falls annually reviews all fees during the budget process to ensure accuracy; and

WHEREAS, periodic revisions to fees may be necessary; and

WHEREAS, the City has fees already established; and

WHEREAS, the City of Post Falls has determined that the fee schedule be amended to reflect the reasonable cost of providing the services; and

WHEREAS, after public hearing has been held prior to the adoption of this resolution, regarding new and increased city fees, it is deemed by the City Council to be in the best interest of the City of Post Falls and the citizens thereof that the fee schedule be amended to include the new and increased fees which were addressed in the public hearing.

NOW, THEREFORE Be It Resolved by the Mayor and City Council of the City of Post Falls, Idaho that the following fee schedule, which reflect the new and amended fees and all other fees that have not been amended, be adopted for the City of Post Falls

Motion by Shove to approve Resolution FY 2023 Fee Schedule and to direct the clerk to assign the appropriate number.

Second by Borders.

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

Motion Carried

d. Resolution - FY 2023 Forgone Tax Reserved

WHEREAS, Idaho Code 50-235 empowers the city council of each city to levy taxes for general revenue purposes; and,

WHEREAS, Idaho Code 50-1002 requires the city council of each city in the State of Idaho to pass a budget, referred to as an annual appropriation ordinance; and,

WHEREAS, Idaho Code 63-802(1)(a) allows each taxing entity to increase property tax budget amounts by a maximum of 3%, plus an amount calculated based on the value of both new construction and annexation added during the previous calendar year, plus an amount for forgone taxes; and,

WHEREAS, Idaho Code 63-802(1)(f) requires that the City adopt an annual resolution to reserve additional forgone amount in order to utilize that amount in subsequent years; and.

WHEREAS, the City has met the notice and hearing requirements in Idaho code 63-802(1)(f) to reserve the current year's increase in the forgone amount; and,

WHEREAS, the City intends to reserve \$325,850 of its current year's increase in allowable forgone amount.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF POST FALLS, IDAHO, that \$325,850 of the current year's allowable increase in its forgone amount is reserved and included in the City's total forgone balance for potential use in subsequent years.

Motion by Shove to approve Resolution FY 2023 Forgone Tax Reserved and to direct the clerk to assign the appropriate number.

Second by Borders.

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

None

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.

Chris Collins (Post Falls): Stated he has had issues with loose dogs around parks and has reported his neighbor on this. now he believes his neighbor might of reported him for something because he has seen police cars driving by him home.

Bob Flowers (Post Falls): Believes there should be new members on the Planning and Zoning board. Believes there is some conflict of interest going on and should represent all the citizens.

Thoreson: They are a volunteer position, and it is a serious commitment of time.

Shannon Howard, City Clerk: They have a four-year term that goes through February. There are two positions up in 2023, two the next year and three the following.

Shelly Enderud, City Administrator: The Mayor make a recommendation and Council approves or denys.

Howard. Right now, I have no applications on file.

Angela Thompson (Post Falls):Reported a homeless issue near where she lives by Black Bay.

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. Update on the Current Status of Roadway Projects: Rob Palus, Assistant City Engineer

- Prairie Ave./Spokane St. Roundabout – Construction started in April 2022 and is estimated to be complete in November 2022. Cost of the project is \$5.3 million.
- Poleline Ave./Cecil Rd. Roundabout – Construction started in June 2022 with substantial completion in September 2022. Cost of the project was \$2,408,265.59. funding for this

came from the Post Falls Urban Renewal District, Ross Point Water District, Developer Cash Outs, and Street Impact Fees.

- Mullan Ave./Cecil Rd. Access Safety – Construction started in July 2022 and was completed in August 2022. Cost of the project was \$187,062.20 and funded by the Post Falls Urban Renewal District.
- SH41 Widening – Project was started in February 2021 and estimated completion is October 2022 and the project is on schedule. Cost of the project was \$51.5 million.
- I-90/SH41 Interchange – Construction started August 2022 with an estimated completion summer 2025. Cost of the project is \$78 million.

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.

Malloy: School is in session, watch out for the kids.

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.

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, further that no action will be taken during the session and that the session will last approximately fifteen minutes.

Second by Malloy.

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

Motion Carried

Entered into Executive Session at 7:20 pm.

Exited Executive Session at 7:38 pm.

RETURN TO REGULAR SESSION 7:38 PM

ADJOURNMENT 7:38 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”