



**CITY COUNCIL
MEETING MINUTES**

**September 20, 2022
6:00 PM**

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

WORKSHOP – 5:00 pm Basement Conference Room

ROLL CALL OF CITY COUNCIL MEMBERS

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

Topic: Area of City Impact Discussion, Warren Wilson City Attorney Presenting:

Idaho growth and land use is governed by the Local Land Use Planning Act (LLUPA) that was adopted in 1975 to modernize the land use process in the state. LLUPA is codified at Title 67, Chapter 65, of Idaho Code. Idaho Code 67-6503 Participation of Local Governments says every city and county shall exercise the powers conferred by this chapter. The LLUPA is used to ensure adequate public facilities/services, ensure that the state and local economy is protected, encourages urban development within cities, and protects agricultural uses. LLUPA requires that each jurisdiction adopt a Comprehensive Plan to guide growth. The Comprehensive Plan must forecast anticipated growth and provide a roadmap of the anticipated public services/facilities needed to serve that growth. The plan must also provide an analysis of economic development in the City and the needed land uses to support the economy – including sufficient housing of all kinds and for all incomes. Cities are required to plan for, and accommodate, growth to ensure they can provide necessary infrastructure, housing, and other needs to ensure that the state and local economy remains vibrant and that there is a healthy local housing market – of all types. Areas of City Impact (ACI) are related to annexations as they help guide where a city is likely to grow and protects those areas by establishing negotiated rules that will apply in those areas until they are annexed. Cities must have an ACI before they can annex adjacent properties.

Planning Commission Membership:

- 8 members
- Staggered 4-year terms, two expires each February 2 term limit without approval of 2/3 of Council
- State law requires that members must have resided in the County for 2 years prior to appointment.
- Appointed by Mayor and confirmed by majority vote of Council.
- Political affiliation cannot be considered in appointment.
- Can only be removed for cause.
- Intended to remove membership from political pressure.
- Membership should be broad based.
- Also serves as the Impact Fee Advisory Committee.
 - State code requires at least 2 members be active in real estate, development, or construction and at least 2 members who are not.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- a. The annual Shoes & Brews 5K Fun Run is Saturday, October 1st at 2pm at Kiwanis Park. This is a non-competitive fun run for all ages. Register online at postfalls.gov.
- b. Proclamation – Constitution Week 2022

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 Consent Calendar item f Vehicle Disposal of a 2013 Ford F150 Pickup from the Agenda.

Second by Thoreson.

Vote: Thoreson-aye, Walker-Aye, Malloy-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 – September 6, 2022, City Council Meeting
- b. Minutes – September 14, 2022, Special City Council Meeting
- c. Payables – August 30, 2022 – September 12, 2022
- d. Surplus Computer Disposal
- e. Rights-of-Way Fennecus Street and Farmdale Avenue
- f. Vehicle Disposal of a 2013 Ford F150 Pickup – **Removed from agenda**

Motion by Malloy to approve the Consent Calendar as amended.

Second by Borders.

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

Motion Carried

2. PUBLIC HEARINGS

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

ACTION ITEMS:

- a. Froehlich Zone Change File No. ZC-22-5

Public Hearing opened at 6:04 pm.

Staff Report

Laura Jones, Associate Planner presenting: The requested action is to rezone approximately 1.88 acres from the existing single-family residential (R-1) zoning designation to the medium density residential (R-2) zoning designation. The Future Land Use Map designates this site as low-density residential. Cecil Road and 16th Avenue, both Major Collector Roadways, are designed to accommodate traffic volumes of 4,000-12,000 vehicles per day.

Applicant

Tessa Vogel, Ruen-Yeager Associates presenting: The location is at 1627 N Cecil Road. We are requesting a rezone from single-family residential (R-1) to medium-density residential (R-2) to allow for a future subdivision at the medium density residential density. At the July 25th Planning and Zoning Commission they recommended approval. The landowners propose a rezone of the site from R-1 to R-2 to allow for a future subdivision to subdivide the existing dwelling and garage from the rest of the property and to create a subdivision at the R-2 density for the remaining land. The number of lots possible at the R-2 density will depend on housing type, built roads, easements, landscaping, common open space, setbacks, and reduction of acreage from existing home and outbuilding being subdivided off onto their own lot. The proposed rezone would put a block of R-2 zoning at the corner of N. Cecil Ave. and 16th St. The site is served by the City of Post Falls for sewer, Ross Point Water District for water, and Avista Utilities or Kootenai Co-Op for power. The site is adjacent to one of the County islands within the city boundaries. The addition of the subdivision and eventual housing development has the potential to encourage the annexation of this island. If the rezone were to be approved and this island were to be annexed, the subject site could connect the R-2 zoning of the subject site to the R-2 zoning of the City lots south of the County Island along E. Solena Ave. if the annexed properties were also zoned R-2. The County Island borders the Community Commercial Service (CCS) zone which allows High-Density Multi-Family Residential uses, so it is logical to have this island zone R-2 which transitions then into the R-1 zone. This layout would create a subtle transition of zones.

Testimony

In Favor

None

Neutral

Samantha Steigleder (Post Falls): I am a big proponent of R-2 because it is not R-3. I am advocating for the slideshow be available for the citizens to view before the hearing so that we can see what criteria would be used. Also, what would be more positive or beneficial to the city than what it is already zoned. It would be cool if we could see some product.

In Opposition

Tara Hinsdale (Post Falls) not wanting to speak: In opposition due to population density increase related to decreased quality of community living standards.

John Leonyardt (Post Falls): We have homes sprouting all over the place. We need more community stuff for the citizens. We have parks and that is about it. for this corner be mindful of what is there.

Alicia Zoos (Post Falls): Listed other areas that are around this parcel. The traffic is wild and non-stop day and night there. If this is built, we would have no privacy in the subdivision across the street. When the notice went out there was a lot of confusion with it.

Rebuttal

Vogel: a lot of the concern from the public the developer would not have any control over. Apartments are not allowed in this zone. Infrastructure has been noted are being provided for the area. Community items for citizens is not something that the developer is required to provide.

Public Hearing closed at 6:41pm.

Public Hearing re-opened at 6:41 pm.

Malloy: What is the access point on Cecil and 16th look like for this development?

Rob Palus, Assistant City Engineer: they would not be allowed for individual driveways onto Cecil or 16th. I would anticipate at the very least due to the small size of the lot one access on 16th and one on Cecil.

Testimony Rebuttal

John Leonyardt (Post Falls): The intersection has over 100 ft of fence line. Where would the driveway go with the exiting house that is there.

Applicant Rebuttal

Vogel: We will be using design specialist and work with the city, Fire Department, Police Department on this.

Public Hearing Closed again at 6:46pm.

Zoning Criteria

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

Borders: Yes, low density.

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

Thoreson: The infill development does apply there and pedestrian connectivity.

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: Street classification are adequate.

Borders: Connection to the sewer. Protection of the aquifer.

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.

Thoreson: it is a half mile of Hwy41 and a mile from Mullan.

Malloy: There are some high intensity uses nearby.

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

Shove: So, based on our comments before, am I correct it does not matter our opinion it's just based on the criteria?

Warren Wilson, City Attorney: In order to grant an approval, they have to meet all the criteria. That does not mean it is entitled to and approval. If there are other Comprehensive Plan Policies that apply and take it another direction, you are free to say it should not be approved because of this and why. This is not the only zone that fits in this area per our Future Land Use Map.

Shove: I have two concerns. One is the traffic. I am very familiar with this intersection and am concerned with how close it is to the intersection. The other one is not seeing the need or benefit is. I do not know I could point to and of the policies that it fits or does not fit.

Malloy: The goals of the Comprehensive Plan ask for a variety of housing, and this would provide that. Being next to a church would look weird to have four single-family houses there. As far as traffic yes there is a lot going on there. I do not think a few duplexes on the corner are going to get noticed. It is not possible to fit in much there.

Ziegler: I like the pedestrian connectivity. The housing variety. It seems like we mostly see high-density, and it is nice seeing something lower. And third one of the goals is to foster long-term health of the community. Townhomes have an entry level to help people gain equity in their homes to move up into a more of an R-1 situation.

Walker: I agree with everyone. My only concern is how close it is to the intersection, but I do like the frontage improvements that will happen.

Thoreson: it is a 1.8-acre site, infill, variety of housing and improvements to sidewalks and curbs is a plus.

Borders: I think our staff will do their best figuring out the in and out of this

Motion by Thoreson to approve the Froehlich Zone Change File No. ZC-22-5.

Second by Malloy.

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

b. Ashford Place Annexation File No. ANNX-22-5

Public Hearing opened at 6:56 pm.

Staff Report

Ethan Porter, Associate Planner presenting: The requested action is to be annexed into the city with the zoning designation of single-family residential (R-1) on approximately 12.26 acres. Water is provided by Ease Greenacres Irrigation District and Wastewater by the City of Post Falls. The benefits of this being annexed are:

- Prevents sub-standard development in the County.
- Address future needs through annexations.
- Promotes compatible, well-designed city development.
- Addresses lack of available single-family residences.
- May create housing for residents of all ages.
- Pay impact fees to parks, public safety, streets, and multi-modal transportation.

Concerns are:

- approximately 25% of workforce can afford single-family housing, whereas 5 years ago 75% could afford.
- Adequate parks west of McGuire Road. Approximately 3,100 feet to Park in the Meadows. Approximately 830 feet to Beck Parks.
- Impact to Schools.
- Parking to be addressed through single-family development.

McGuire Road is a minor arterial roadway and can accommodate 6k-15k vehicles per day, which projected volumes for 2035 along this roadway would accommodate. Protection of the Rathdrum Prairie Aquifer through sanitary sewer. The proposed zoning is compatible with the land uses anticipated within the City's Master Plans. The annexation proposed is not near higher intensity urban activities, which would primarily be along Highway 41, Mullan Av, Seltice Way, and some along Spokane St.

Applicant

Gordon Dobler, Dobler Engineering presenting: The Future Land Use Map identifies this area as transitional. The R-1 district is a low-density residential zone that is an enabling zone in the transitional area and is compatible with the surrounding zoning and land use. Lower density residential provides appropriate buffer between Business Commercial land use and larger acreage lots east of McGuire. This development would have 32 proposed residential lots and a dedicated open space tract of 0.23 acres. There would be pedestrian connectivity to McGuire Rd. The property would access McGuire Rd. which is a minor arterial. Additional right-of-way would be dedicated with annexation and roads would be widened with development. The property would access McGuire Rd and provide for future connection to Grange and the property to the north. Construction on multi-use path on McGuire would be a requirement of development. Based on this annexation of this property would provide for orderly and efficient expansion of the City. For this reason, and those mentioned, annexation would be a benefit to the community.

Malloy: The 2.7 cap where is that?

Dobler: That is in the annexation agreement.

Testimony

In Favor

Jeremy Voeller (Post Falls): I am one of the attended builders of this project. We have done this type of product just north of the Meadows and am happy to answer any questions.

Neutral

Angela Adams (Post Falls): My property is surrounded on three sides by the developer. We are the workforce housing people are talking about. We worked hard for our property. There is still plenty of infill property for the City to annex. Why do you feel now is the right time to annex county property? Are you just trying to follow the Comprehensive Plan, or can you vote what you feel?

Samantha Steigleder (Post Falls): I live in this area across the street in a beautiful neighborhood. The Meadows is a fantastic neighborhood and hope the developer can keep this feel. What are the developers plan for their other lots they own around here?

In Opposition

Dr. Clevenger (Post Falls) not wanting to speak: Thank you for the opportunity to be heard here tonight. It is wonderful to be able to have our opinions heard. I really appreciate it. My name is Steve Clevenger. I live at 2357 W. Grange Ave in what used to be the old grange. I practiced dentistry for many years before retiring. During that time, I often had to present unfortunate treatment choices to individual that were suffering. When we ask ourselves how we got into such unpleasant circumstances, the answer almost always doesn't stem from one big bad decision but results from many small, poor choices. In the overall view of the city of Post Falls, to annex or not annex this parcel is a small decision. But this is a poor choice for the neighborhood and the community. I attended both public planning commission meetings as well as the council meeting last year when this project was presented and rejected. I don't recall a single neighbor standing up and saying this annexation is a good idea. Last night when I was thinking about what I wanted to say here, I thought I could review the many objections that have already been presented. I could point out the project here tonight is simply a phased version of what was presented last time with all the attending problems. All they have done is divide it into two parts. It should be obvious that if you approve this tonight, the developer will be back seeking approval for the next phase in the future. Or I could point out how, in the last couple of years that the traffic volume and speed has increased dramatically on McGuire. Your traffic studies report that the road could support more vehicles, but is that what is best for the neighborhood? The developer points out how there are two existing parks within .7 miles. But good luck to the children that try to cross McGuire even with crosswalks to access these parks. Allowing higher density housing at the expense of agricultural land and arguing that that is a better transition to the light industrial off Pleasant Valley makes no sense. The existing zoning provides a much better transition. We need housing but there are lots of areas within Post Falls that are much more suitable without expanding the city size. Please don't let unhindered growth, diminish what we all enjoy about Post Falls. I urge you to vote against this annexation. One more thing, no matter how you vote, I want you all to do one thing tonight before you go to bed – floss!

Larry Castor (Post Falls): Grange through the Meadows subdivision is already too busy. Traffic is much too fast. Danger for residents and especially children. This rezoning will only make it worse. We need traffic control, speed bumps, dips, and/or closure to prevent it from being a through-street.

Theresa Fuller (Post Falls): With the developments going in it is creating a division in the area. We see long fences and few trees. Unless the developers change the orientation of the houses to include the surrounding neighborhoods, I am against this.

Jeff Adams (Post Falls): I think R-1-S would be a better fit. They want to put a good size shop, that would not leave much space left. I have read the Wastewater Master Plan. When we bought our

house there was a moratorium on building. I have not seen any improvements done. My questions are what's changed.

Donald D. Judd (Post Falls): I farm the property immediately adjacent to this development. There has been no change to their plan since came before you last time. The neighbors are against this. the Comp Plan says a subplan should be developed to help the transition with large lots uses. The decision of the last Council should remain this there is a change in the proposal.

William Fuller (Post Falls): I am not opposed to development but from an historical perspective. In the past there was a push in cities to get rid of small farms. After 30 to 40 years of this we have one city running into another all-small housing or multi-family housing. You can drive through a few counties and see concrete and houses. This example is in northern Los Angeles County, and we are beginning to see it here. We have something that is very attractive to people. I would argue you to vote no and keep the quality of life the way it is.

Gail Randall (Post Falls): I sent an email to city council on June 10, 2022, with specific references to the city and county Comprehensive Plans explaining how I don't think this subdivision falls within certain guidelines of those plans. I hope you all had the time to read my email. In addition, I would like to say that the area between McGuire Road and Pleasant View Road from Seltice Way to Hwy 54 has been designated as "transitional". I don't really know what that designation means, but I counted about ten 5-acre parcels and two 2.5-acre parcels on the west side of McGuire between Gabriel Estates subdivision and Grange Ave. 7 parcels have homes on them and 1 home in the 2.5 acres to 2.7 homes per acre between Gabriel Estates subdivision and the proposed Ashford Place subdivision does not seem to be transitional to me. it seems like a drastic change. I feel the transition needs to be a bit more gradual. I would like to stress one more point that was in my prior email to City Council, we are allowed to have farm animals (which can be stinky), shoot our guns (for recreation), operate loud farm equipment, spray chemicals on our fields, burn our slash piles and garbage and water our fields day and night with irrigation sprinklers which are noisy. We really don't think this would be too appealing to families living in subdivisions that may border our properties. It's just not a good mix. Imagine that a subdivision was built bordering our 5-acre parcel and the houses bordering the back line of my property were trying to have a graduation party or family BBQ and we decided to do hay that day or spray for weeds in our pasture or run irrigation pipes. It's not fair to us or the subdivision homeowners.

Peter Haynos (Post Falls): Lack of consideration to impact on infrastructure, traffic, internet, and park area for children of the new housing.

Rebuttal

Dobler: The City has certain requirement for street assess. Sewer would not have to be pumped; this portion is gravity.

Ryan Stocker (CDA): I am the developer. We looked at what it could look like with larger lots. With roadway dedications that did not work out. We did take the other parcel out of this proposal. We are still working on that. We did look at this with consideration of the neighbors.

Malloy: Does Mr. Beacham have any comments on the sewer?

John Beacham, Public Works Director: I do not believe we had a moratorium in 2018. We did do upgrades to the downstream Montrose Lift Station that connected it directly to the wastewater station we also upgraded some pumps.

Malloy: so, the original plan was to build another lift station but instead we upgraded one.

Beacham: The current plan did not have another lift station.

Wilson: If there was a moratorium the Council would have adopted it and there was no moratorium.

Public Hearing closed at 8:04 pm.

Mayor: First question, does Council want to entertain an annexation?

Shove: When it was denied a year ago, what when into that?

Malloy: I can speak to that. Part of the concern was there was no development plan at all. It also included the parcel on the other side of the home so you would have road improvements then none then road improvements. So, no density limit and the Grange improvements.

Borders: I still have a concern of traffic onto Grange. I think the access on to McGuire is too close. And safety on the crosswalks.

Ziegler: I would feel better about to annexation if I felt it was consistent with the transitional, I am not in support.

Shove: I am not sold either way. Looking at the county line there on McGuire it is the only one in the county and I would not be in support.

Thoreson: I know it is transitional, but it is an abrupt transitional. I would not be opposed.

Walker: I would be opposed with the transition that is out there with the smaller lot.

Malloy: This is thought since now we know the lots sizes.

Motion by Ziegler to Deny the Ashford Place Annexation.

Second by Walker.

Vote: Walker-Aye, Thoreson-Nay, Malloy-Aye, Ziegler-Aye, Borders-Aye, Shove-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 – FY 2023 Personnel Policy Changes

WHEREAS The City of Post Falls undertakes periodic updates to the City's adopted personnel policies; and

WHEREAS, The City's Human Resources Director has recommended changes to Sections 410, 411, 804 and 808 of Article IV, Hiring Practices of the Personnel Handbook; and

WHEREAS The City Council of the City of Post Falls finds that the adopting the proposed changes are reasonable and necessary to allow the City to recruit and retain dedicated employees and to ensure fair working conditions and benefits for City employees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Post Falls that the amendments to the Personnel Handbook attached hereto as Exhibit A are adopted.

Motion by Thoreson to approve Resolution FY 2023 Personnel Policy Changes.

Second by Borders.

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

Motion Carried

- b. Resolution – FY 2023 Forgone Tax Revised

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 sets limitations on all taxing district budget requests on the amount of property tax revenues that can be used to fund programs and services: and,
WHEREAS Idaho Code 63-802(1)(a) allows each taxing entity to increase property tax budget amounts by a maximum of #%, 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 \$213,695 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, the \$213,695 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 Thoreson to approve Resolution FY 2023 Foregone Tax Revised.
Second by Borders.**

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

a. Property Purchase for Public Works Facility and Park's
John Beacham, Public Works Director presenting: In late 2021, the city finalized a facility needs assessment. Among other short-term priorities, the plan called for the purchase of 8-12 acres to serve as a future Public Works facility when the water reclamation facility expands into the space currently used by the Streets, Fleet, and Water divisions. A parcel which meets the needs for this facility was identified adjacent to the city boundary in northwest Post Falls. The City's Parks Master plan also calls for the installation of a future park in this area. Staff determined the two departments could likely share the identified 14.5-acre parcel and propose to split the finding and future utilization. Parks will pay for and use 33% of the site with Park Impact Fees and Public Works will pay for the remaining 67% of the site with budgeted funds identified for the purchase of land for a future operations facility. The need for this property is several years into the future. However, given the lack of sufficiently sized parcels available for sale and the City's ability to wait for the necessary infrastructure to serve this site, purchasing the property now makes good long-term sense. The purchase price is \$990,000 plus closing costs.

Mayor: We did talk about this in our master plan planning. I guess if we find we don't need it we can sell it.

Borders: I think it is a great opportunity.

**Motion by Malloy to approve the property purchase for Public Works Facility and Park's.
Second by Borders.**

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

ACTION ITEM

a. Request for Building and Planning Permit Fee Waiver for Non-Profits

Shelly Enderud, City Administrator presenting: The mayor received a request to waive the building and planning permit fees associated with the Boys and Girls Club expansion. The Mayor turned the request over to staff to gather additional information and bring the request forward to Council for consideration. Staff recommends that if Council chooses to waive these types of fees, a policy be adopted to ensure fairness and that the fee waiver is being applied uniformly. Staff has drafted a policy for consideration and reached out to Idaho cities to see if any of them are providing fee waivers for this type of request. In general, most are not waiving these fees. Hayden provided the comment that it becomes difficult to decide who to pick over another when deciding between the Boy Scouts or the Humane Society or the Food Bank, etc. all provide benefit to the community. Council may choose to not waive any of these fees, modify the policy draft to limit the scope of eligible entities, provide other feedback on the draft policy, and/or direct staff to bring back the draft policy for adoption.

Mayor: My initial reaction was yes, it's a feel good, but when you think about it, it could open a can of worms because a nonprofit is a nonprofit.

Enderud: If you do waive it there is a cost to the city to do these reviews, the smaller projects are very labor intensive.

Malloy: As much as I think the Boy and Girls Club is fantastic but there are nonprofits that taxpayers might not agree with using taxpayer money. It is a dangerous precedent to set.

Thoreson: This community is extremely generous community to nonprofits on an individual basis. I agree with Joe that it would be a donation we would be making with taxpayer money.

Ziegler: I agree, it is not our money we would be donating. Having worked in the nonprofit world I think the initial impression is the feel good you know the kids on the street corner selling cookies, when it is just a different business structure with ways for paying for this.

b. How Development Impact Fees Function in Idaho (Not an Action Item for Information Only)
Motion by Malloy to table this to another meeting.
Second by Borders.
Vote: Ziegler-Aye, Borders-Aye, Shove-Aye, Walker-Aye, Thoreson-Aye, Malloy-Aye
Motion Carried

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: I wanted to make sure that Council is receiving their email since the email switch over. I also wanted to mention that former Council member Betty Ann Henderson has been transferred to hospice care.

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 the session will last no longer than fifteen minutes.

Second by Malloy.

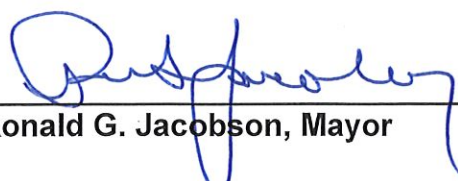
Vote: Shove-Aye, Walker-Aye, Thoreson-Aye, Malloy-Aye, Ziegler-Aye, Borders-Aye
Motion Carried

Entered Executive Session at 8:27 pm.

RETURN TO REGULAR SESSION 8:38 PM

ADJOURNMENT 8:38 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"