



**CITY COUNCIL
MEETING MINUTES**

**October 18, 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, Kenny Shove
Lynn Borders – **Excused**

Topic: URD Closures – Tech Park and Pleasant View Districts, City Administrator Shelly Enderud
Presenting: Issues with development of the Tech Park Urban Renewal District were discussed. The district contains significant improvements for roadway infrastructure, water, and sewer. Part of the district has changed ownership since the planning stages and the concept of a high-tech industrial park is unlikely at this time. The City has very few economic development incentives to use to attract quality businesses that create property tax revenue and quality jobs for the citizens of Post Falls. URDs are one of the main incentives available to the City for these uses. Although the original concept of the Tech Park is unlikely to come to fruition, infrastructure planned within the district is important to the development of the area and to the region. Staff's recommendation is to continue monitoring the district and have more discussions and updates with the URA regarding the future options and uses of the Tech Park URD. Issues with the Pleasant View Urban Renewal District were also briefly discussed. In this URD, the original uses proposed are being realized, but due to the current economic landscape, especially escalating building costs, development has been slower than originally anticipated. Staff's recommendation on Pleasant View is to continue to work with the project to fulfill the goals of the district. Staff will provide more information to Council as it becomes available.

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, Kenny Shove
Lynn Borders – **Excused**

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- Residential Fall Cleanup will be Saturday October 29th. Items must be placed by the curb by 6am and must be bagged, bundled, or in the garbage tote.
- Trick or Treating at City Hall will be Monday October 31st from 3-5pm.

-Government Finance Officers Association has named the City of Post Falls a 2020 triple crown winner. GFOA recognizes governments that have received the GFOA's Certificate of Achievement for Excellence in Financial Reporting, Popular Annual Financial Reporting, and the Budget Presentation Award.

- a. I-90 Corridor Widening Project – Steven Bakker, Technical Engineer Service Leader presented information on the I90 corridor study. Two primary goals are more lanes to accommodate growth and better visibility. Currently the project is in between the concepts and initial design phases. There are ongoing stakeholder meetings and presentations in the region. Tuesday November 1st from 4-7pm will be the Post Falls presentation at Templin's, and additional surveys are online at itdprojects.org.

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.

Kerri Thoreson: Declared that she received a phone call from Ted McCauley who wanted to talk about the Joseph Trust Annexation. She told him she could not have a conversation about a specific annexation that is likely to come before Council.

Field Herrington, Deputy City Attorney: Since the conversation was cut short and as long as it would not affect her ability to provide an unbiased decision, she can proceed.

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 – October 4, 2022, City Council Meeting
- b. Payables – September 27, 2022 – October 10, 2022
- c. Utility Easements – Jacklin Prairie Development
- d. Froehlich Zone Change Reasoned Decision
- e. Frederick Four Minor Subdivision Construction Improvement Agreement

Motion by Malloy to approve the Consent Calendar

Second by Ziegler

Vote: Shove-Aye, Ziegler-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. Farwest Steel Annexation File No. ANN-22-10

Public Hearing opened at 6:08pm

Staff Report

Laura Jones, Associate Planner presenting: The request is to annex approximately ten acres into the city with an Industrial (I) zoning designation. The property is located west of North Pleasant View Road and north of West Seltice Way. The surrounding land is Railroad ROW and unincorporated industrial properties in the county, undeveloped and developed commercial and industrial sites in the city. Goals 1, 7, and 14 are in compliance with the Comprehensive plan. With review criteria F, Industrial zoning is typically assigned for properties with sufficient access to major transportation routes which fits this property as it is near I-90 on and off ramps and Seltice Way.

Applicant

Tyler Reeves and Michael Chen with Speck Development joined via zoom: Farwest Steel is based in Eugene, Oregon and wishes to expand to Post Falls to serve eastern Washington. The site plan includes two buildings, one larger to the west and one smaller building to the east of the property. Mr. Chen clarified a statement he made at the Planning and Zoning hearing that the site would not be used for rail access, but actually the site will likely be utilized with rail access as part of the distribution of finished goods. The applicants then showed pictures of perspective renderings of the buildings for the site.

Testimony

In Favor

Samantha Steigleder (Post Falls): Asked how the railroad crossing at Pleasant View and Seltice would be affected by the use of the railroad by Farwest Steel? She is in favor of the annexation overall she just has concerns about traffic buildup at the railroad crossings around that area.

City Engineer Bill Melvin: In terms of the railroad crossing issues, the applicant can speak to frequency

Neutral

None

In Opposition

None

Rebuttal

Tyler Reeves: The number of trains and how they are going to be used in and out of this facility are still being analyzed, but they are happy to provide that information as they work through that.

Mayor Jacobson: Asked if that would that come back to Council?

Herrington: That would be part of the site plan review process.

Public Hearing closed at 6:28pm

Zoning Criteria

In favor of annexation of this property? Yes, in theory

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
Yes, focus area says west of Seltice
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Close to major transportation corridors and contributes to the economic vitality of Post Falls.
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.
Seltice Way is as big an industrial corridor as we have in town, it serviced the business that was there, and industrial use on our sewer will protect the sewer systems.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
N/A
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.
N/A
6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.
Surrounded on all three sides by either industrial or commercial on Seltice, it's not near residential, it will be cleaner than the fertilizer plan that was there before.

Motion by Malloy to approve the Farwest Steel Annexation File No. ANNEX-22-10 and that it be assigned the Industrial zoning

Second by Walker

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

Motion Carried

- b. Gabourie Annexation File No. ANNEX-22-9

Public hearing opened at 6:32pm

Staff Report

Ethan Porter, Associate Planner Presenting: The request is to annex approximately 0.30 acres as a Single Family Residential (R-1) into the City. It is located west of Greensferry Road, north of the Spokane River, along Rockey Drive. The current use is a Single-Family home, the property is surrounded by Single-Family homes in the city, with two properties near it that are still county. The request to be annexed is due to a failed septic system, so the owner needs city sewer services. Goals 5, 8, and 14 are in accordance with the Comprehensive Plan for this property. Review criteria E would apply as lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Thoreson: Asked if this parcel is already connected to city sewer?

Porter: They did work on the street and put in the pipe, so it is ready to once the annexation is approved.

Applicant

Fred Gabourie: Stated the reason they are asking to come into the city is their septic tank failed after 44 years of living at that residence. Mr. Gabourie talked about his history in Post Falls and his appreciation for the Post Falls Council and Mayors, past and present. He thanked the city staff that assisted them in the annexation. He also emphasized his property didn't ask for water; they are keeping their well water.

Testimony

In Favor

None

Neutral

None

In Opposition

None

Public hearing closed at 6:44

Zoning Criteria

In favor of annexation of this property?

Yes

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

Yes

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

Yes, the property is near the river and should be on city sewer to protect the river, goal 5

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.

Yes, existing development is all R1 now

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

N/A

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.

Yes, as far south as you can get from the higher activity and still be in the City.

6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

N/A

Motion by Thoreson to approve the Gabourie Annexation File No. ANNX-22-9 and that it be assigned the R1 zoning

Second by Malloy

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

Motion Carried

- c. Joseph Family Trust Annexation File No. ANNX-22-7

Public hearing opened at 6:47pm

Staff Report

Jon Manley, Planning Manager Presenting: The request is to annex approximately 20 acres of Community Commercial Services zoning and 20 acres of Community Commercial Mixed zoning into the City of Post Falls. A Development Agreement is being required. The current Development Agreement has a restriction of CCS max height of 35' (10' lower than typical CCS), and CCM max height of 55' (usual max is slightly over 100'), and multi-family residential uses restricted to the interior with approximately 16.6% gross land. Council can impose additional restrictions as desired. The property is located at the northeast corner of Greensferry Road and Prairie Avenue, west of Highway 41. The property is largely located in a commercial node on the Future Land Use map. The property is in the 41 North Focus Area which has provisions for multi-family, commercial, and tech uses near higher classified roadways. Goals 3, 6, 7, 8, and 12 are in accordance with the Comprehensive Plan for this request. Surrounding zoning is tech mixed, residential mixed, limited commercial, and commercial.

Thoreson: Asked what the Planning and Zoning Commission recommended?

Manley: They recommended the zoning as requested with a development agreement with restrictions on percentage of land for multi-family and increased max height restrictions for both zones.

Malloy: The multi-family would fall under the CCS max height of 35'?

Manley: At this point, the applicant is proposing that there would be no residential on the CCS zoned property. The applicant may comment on that as well.

Applicant

Jeramie Terzulli with Olson Engineering: He wanted to first clarify that they have never proposed multi-family on this site. They discussed CCS versus CCM, but multi-family was not requested. They would, if Council deems it necessary, amend the zoning development agreement to say that any

residential component on this site would require an amendment to that development agreement. They would like to put a commercial node where a commercial node is designated.

Herrington: Any changes to the development agreement would come back for Council approval. Not as a public hearing, but for Council to review.

Terzulli: The property lies right on the border of the two focus areas, 41 North and Central Prairie. They both include commercial uses and talk about Prairie Avenue as a main connecting corridor. As the economy shifts, interest rates get higher, and the pool of new out of state home buyers shrinks, the development community responds, and commercial services come in their wake and lags 6 to 18 months as we establish the services existing homeowners require. They are proposing boat and RV storage on the northern portion of this site, which services the nearby communities that are on small lots that don't allow parking RVs and boats on the streets or sides of their houses. This keeps those communities safe, vital, and attractive in keeping with the Comprehensive Plan goals. Putting commercial nodes along with residential nodes, allows the day to day services to stay more local while heavy motor uses concentrated in the heavier uses along places like Highway 41 and Seltice Way and the downtown corridor. For the policies of the Comprehensive Plan, this property would encourage compatible infill development and redevelopment of vacant and under-utilized properties. The Well Spring church on the southeast side of this intersection plan to build out their church at that location with some additional residential. The Gondo property to the southwest are in the city with a commercial designation. There's also a paving company in the county with a special use permit to run that nearby. If this property develops outside of the city, it could turn out to be an under-utilized area like the Comprehensive Plan talks about. The developer will widen the road if necessary, achieving the policy to sustain the city's fiscal stability using a wide array of financial tools to fund infrastructure needs. Mr. Terzulli talked to about 29 residents in the nearby neighborhood asking their opinion on their project. 16 said they were in favor, 12 were neutral or wanted more information, 1 was opposed. Most people were frustrated about how far they had to drive to get day to day services like gas and groceries. The project would try to give a place where home grown Post Falls businesses can grow and thrive, and where they can fill a need of this area of town for daily services and help the transportation network.

Testimony

In Favor

Craig Hunter (Coeur d'Alene): He wrote that the town is underserved with quality commercial development. This mix of retail and flex space is needed and in demand. There is a low vacancy rate of this type of space county wide.

Samantha Steigleder (Post Falls): She is in favor with a development agreement for no residential for the entire 40 acres. She asked if the development agreement is for both the CCS and CCM? If not, she would be against the zoning since Prairie is not built out.

Kelvin Tanner (Post Falls): He lives nearby and drives to Hayden on Prairie Avenue which is a long way to get coffee or gas, so this project makes sense. He's a 4th generation Kootenai County resident. He says that a lot of the push back on development doesn't account for the local folks that are living and working in the community and the jobs that it provides. His family used to work in different states, but now they all work in this area as there was controlled, well thought out development. There is a good portion of people who care about seeing the community grow the way it needs to and reaping the benefits of that for families and kids.

Tony Vilelli (Post Falls): He lives on Prairie Avenue and thinks this is a good opportunity for the area to have some growth. He recounted his history in Rathdrum and Post Falls. He wants his kids to have jobs and places to live and exceptional projects are what we need for that to be realized. He appreciates people looking forward and not backward or reminiscing too much.

William Matson (Post Falls): He is a lifelong resident of Idaho. The people that will rent the spaces proposed here will be there a long time and are critical to the long-term development of the area. It's a good idea, to provide more work for the people in this area. There's nothing available out there like this project right now.

Chad Burd (Coeur d'Alene): He handed out notes for Council. He is here on behalf of some commercial real estate brokers and wanted to cover the macro events in the area, and why there is need for this type of mixed use development. There is very limited retail space available. He stated the Mayor has said we need rooftops, and the retail will follow. We are seeing that now. Retail vacancy in the county is about 3.7%, which means we are fully leased.

Mayor: Wanted to clarify that he doesn't say we need more rooftops, but that he kept hearing that we need more rooftops when the population was about 10,000. Now we are at about 40,000 population, he continues to hear that we need more rooftops.

Ron Mendell (Rathdrum): He's a residential real estate agent and he sells in this area often. He often gets questions from potential buyers about how far local services like gas and groceries are and he must tell them they are three miles away. Having something like this project close by is very needed and proactive.

Eric Oslon (Post Falls): (From the audience) He said he would hold his comment for rebuttal if necessary as he is the applicant.

Justin Sternberg (Post Falls): He owns Steel Structures of America and Giant Storage. He said it's challenging to get gas and groceries as they are all busy with customers. This area needs a good commercial product. It's the right location. His storage areas are full, and he sees many people asking for additional storage. The time is now as it takes a while for the project to be completed.

Don Ashenbrenner (Post Falls): This annexation is good for Post Falls and will allow people to get services in that area. He lived on the corner of Prairie and Greensferry for 34 years, when Greensferry was a dirt road. He stated that if you want to live in the country, you have to move every 20 years. As a homeowner, the traffic signal they put in created a mess in front of his home, so he decided to move. He knew that his property had to be commercial property, not residential. Three of the four corners of the intersection are already commercial, Prairie will be five lanes and will increase traffic, so this should be a commercial development.

Connie Krueger (Post Falls): She has friends that live in the Prairie Avenue area, and she sees that they go to Hayden for services because its easier than going into Post Falls. We need to keep people in the community which this project would do. She has storage on McGuire and likes the idea of having storage in that area.

Neutral

None

In Opposition

Amy Hotaling (Post Falls): She asked why Mr. Terzulli didn't come talk to her as she lives close to the project? The Mayor then read her written statement that said the public should be able to voice concerns about future development on the land. She didn't find the website, or the letters sent to her to be user friendly.

Dennis Wagoner (Post Falls): He lives nearby and asked why Mr. Terzulli didn't come talk to him about the plan? He said the original plan was multi-story, multi-family homes but that the sewer would have been too expensive, so they decided not to do that. He talked about sewer connection issues in the area. He's worried he will not be able to get sewer in the future if he needs it on his property. He doesn't like the CCS as they can change what they are proposing for the storage unit

area. He doesn't want a gas station, or a liquor store, or a smoke shop across the street from him. He wants a bigger buffer around the established communities.

Suzanne Kearney (Post Falls): She did not respond when called to speak and had no written statement submitted on her Public Hearing Comments form.

Rebuttal

Terzulli: He clarified that the area he knocked on doors to speak to neighbors of the project were properties in the City of Post Falls. He wanted to, but he did not have time to go north to where the two county residents from the audience who asked why they weren't contacted by him. He also clarified that his group never proposed multi-family. They never talked about multi-story apartment buildings. They have had multiple conversations with city staff about the sewer issues and that the low impact sewer use like a storage facility would work in this location. They will work closely with the city engineer to see what the impact of the storage facility will be at this location. Any housing would be a future phase and they are willing to work with the city on a development agreement that is agreeable to the Council.

Malloy: Asked if the developer would be ok with the development agreement that prohibits multi-family residential?

Terzulli: Answered yes. They would like to reserve the opportunity to open dialog for a future phase for a residential component. Not multi-family, their idea was always something like town homes or condos, something that will allow first time homeownership if that project evolves to that. At this point in time, prohibiting multi-family without another step before the City Council is what they are proposing.

Malloy: Multi-family would be the three story walk up apartments.

Terzulli: That's never been part of their plan.

Public hearing closed at 8:01pm

Zoning Criteria

In favor of annexation of this property?

Yes

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
This proposal fits the future land use map and the comprehensive plan very well, it is consistent with the other properties on the other corners
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Yes, urban growth and expanding opportunity for local businesses, Highway 41 focus area is in line with this use, off corridor access to commercial
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.
Yes, Greensferry and Prairie fit this
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Yes, Prairie is a major arterial and Greensferry is a minor arterial

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.

Yes, it is a limited neighborhood commercial with 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.

N/A

Motion by Malloy to approve the Joseph Family Trust Annexation File No. ANNX-22-7 with the zoning designations as presented and with the development agreement in addition to the height restrictions imposed by the Planning and Zoning Commission adding a provision restricting multi-family buildings on the 40 acres

Second by Thoreson

Vote: Malloy-Aye, Walker-Aye, Thoreson-Aye, Shove-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. Fleet Surplus of a 2013 Ford F150 Truck

Public Works Maintenance Manager Ross Junkin Presenting: This item was originally on the consent agenda at the last Council meeting but was pulled off to provide more detail. This presentation will explain the process the Fleet Division goes through in deciding when city vehicles have exceeded their useful life for the City. Some of the replacement cycle methods are to replace them at established intervals, replace when cost to repair exceeds the vehicle's value, and replacing using life-cycles costing models. He reviewed the existing Fleet Maintenance Capabilities and staff as well as some examples of recent surplus vehicle auction results for the City. Other considerations for surplus vehicles could include current market conditions, sizing of vehicles, issues of current vehicles, average life span, and new technology/safety in vehicles. Tonight, the Fleet Division is requesting to surplus a 2013 F150 2WD truck with 38,000 miles. The truck has had an engine knock for a while and there is a need for a 4WD truck in this position as it will be using a plow for snow. In the future, Public Works will provide a more detail explanation for each unit they request to surplus.

Malloy: He explained that the one thing that was missing in the agenda last time for this item was that the vehicle isn't useful for the City at this time as it's taking on a different role.

Junkin: Explained that they did consider moving the vehicle to another role as the mileage was low, but the engine knock is too concerning to the Fleet staff.

Motion by Malloy to approve the fleet surplus of a 2013 F150 truck
Second by Ziegler
Vote: Walker-Aye, Thoreson-Aye, Shove-Aye, Ziegler-Aye, Malloy-Aye
Motion Carried

- b. Ordinance – Correcting a Scriveners Error and Amending Section 18.24.020 H.1. Residential Surfacing

Motion by Thoreson to approve Ordinance – Correcting a Scriveners Error and Amending Section 18.24.020 H.1 Residential Surfacing on its first and only reading by title only while under suspension of the rules
Second by Malloy
Vote: Thoreson-Aye, Shove-Aye, Ziegler-Aye, Malloy-Aye, Walker-Aye
Motion Carried

AN ORDINANCE CORRECTING A SCRIVENERS ERROR AND AMENDING SECTION 18.24.020 H.1. RESIDENTIAL SURFACING OF TITLE 18 ZONING, THE MUNICIPAL CODE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO; REPEALING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE BY SUMMARY AND PROVIDING AN EFFECTIVE DATE

Motion by Thoreson to approve Ordinance – Correcting a Scriveners Error and Amending Section 18.24.020 H.1 Residential Surfacing and to direct the clerk to assign the appropriate number and that it be published by summary only
Second by Malloy
Vote: Thoreson-Aye, Shove-Aye, Ziegler-Aye, Malloy-Aye, Walker-Aye
Motion Carried

- c. Well House 11 – Recommendation of Award

Public Works Project Manager Jaxon Fleshman Presenting: Well House 11 is located adjacent to Well House 9, on the southwest corner of Seltice and Beck Rd. The purpose of the project is to put Well 11 into operation, increasing the reliability of the water system, and for making some improvements to Mioxx Systems at Well Houses 3 and 10. The bid opening was on September 20th, 2022, where there were two bidders, TML Construction and LaRiviere. The low bid was TML Construction with \$1,447,000 which was below the Engineer's Estimate for this project of \$1,600,000. The actual construction contract award will include a 10% contingency for a total of \$1,591,700 funded through the Well House 11 budget. The contract sets substantial completion date by December 31, 2023, with an optional and defined shut down for material procurement.

Motion by Malloy to approve Well house 11 Recommendation of Award
Second by Walker
Vote: Shove-Aye, Ziegler-Aye, Malloy-Aye, Walker-Aye, Thoreson-Aye
Motion Carried

- d. Bentley Lift Station Rehabilitation – Recommendation of Award

Public Works Project Manager Jaxon Fleshman Presenting: Bentley Lift Station is located about 225 feet from the Spokane River, near 1st Avenue and actually located on Coho Road. The proximity of the station to the Spokane River is an important consideration in this project. The site is also in the middle of a neighborhood. The project will rehabilitate the existing structures, add new equipment,

and add new emergency storage. The bid opening for this project was September 29th, 2022. There were two bids from S&L Underground and Strider Construction. Strider Construction was the low bid at \$884,920 which was above the Engineer's Estimate of \$761,000. The construction contract award total would be \$973,412 which includes a 10% contingency and would be paid from the Collection's System Capital Improvements Budget. The contract sets a substantial completion date by December 23, 2023.

**Motion by Malloy to approve Bentley Lift Station Rehabilitation Recommendation of Award
Second by Walker**

Vote: Ziegler-Aye, Malloy-Aye, Walker-Aye, Thoreson-Aye, Shove-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. Land Application Property Exchange

Public Works Director John Beacham Presenting: The Land Application Property came out of the Water Reclamation Facility Planning and was mostly purchased in 2009. We exchanged some of the property in 2020 with the Post Falls School District. It is the single long term strategy for permit compliance. In our NPDES permit we have a limit of the amount of phosphorus discharged to 3.19lbs per day, the concentration of which is controlled by treatment technology and the flow is controlled by population served. As of now, especially with our new tertiary treatment plant, we can stay below the regulated amount, but as population increases, we will need more area. He reviewed the city map with our current Land Application Property, and with the proposed property exchange. The proposal is to exchange 80 acres north of Crown Pointe and \$2,179,187.50 for 60 acres near Highway 41/Hayden (North Thompson Property) and 113 acres near Greensferry/Hayden (Satchwell Properties) for a net increase of 97 acres to the city. The contingencies with the property exchange are to rezone the city's current 80 acres to something other than Public Reserve, annexation and appropriate zoning of the South Thompson Property, and approval of the property exchange. All three of these items would require a future public hearing and a subsequent 60-day inspection period. This exchange would preserve more open space on the prairie, but it is slightly farther away from the WRF and slightly harder to farm. The \$2,179,187.50 would be \$27,466 per acre which is slightly more than we have paid the past but given the increase in property values it is an expected price.

Mayor: It may be a bit less convenient for us, but adding acreage makes sense.

Malloy: As long as we can back out depending on the public hearings.

Beacham: The intention is to have these public hearings in one Council meeting so everyone can comment on the whole idea.

Shelly Enderud, City Administrator: If there's a budget amendment that would require a public hearing as well.

Malloy: \$27,000 per acre seems shocking, but I'm holding on to old numbers

Enderud: We have been looking at park acreage costs for the impact fee update and the numbers are shocking.

Mayor: Do we need a motion on both of these items?

Herrington: Lets do a motion for both, individually.

Beacham: There is a purchase and sale agreement with the contingencies that needs to be signed now in this item.

Malloy: Is there a presentation for the Notice of Intent to Exchange Property?

Beacham: No, in order to move forward with exchanging real property, Council needs to declare the property to be possibly surplus and direct staff to hold a public hearing.

**Motion by Malloy to approve the Land Application Property Exchange
Second by Ziegler**

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

b. Notice of Intent to Exchange Property.

**Motion by Malloy to approve the Notice of Intent to Exchange Property
Second by Ziegler**

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

a. How Development Impact Fees Function in Idaho – Jon Manley, Planning Manager presenting.

Planning Manager Jon Manley Presenting: This is an overview and the purpose of development impact fees. Impact fees are payments required by local governments of a new development for the purpose of providing new or expanded public capital facilities required to serve the community and new developments. The fees are used to shift the costs of financing public facilities from the general taxpayer – growth paying for growth. Title 67, chapter 82 of Idaho State Code allows for these fees. The collected fees must be expended within 8 years from the date they were collected on a first-in, first-out basis. The data in the Development Impact Fee Report for 2021 includes beginning balances, impact fees collected, other revenues, expenditures, interest, fund totals, and the roads, parks, and public safety projects that received impact fees in that fiscal year. FY 21 was approximately \$3,045,364 collected with \$1,851,720 of the impact fees spent on roads, parks, and public safety projects to assist with mitigating growth in the community. He reviewed the historical population growth and projected population growth. There are new city categories: Parks and Recreation, Police, Transportation Street, and Transportation Multimodal Paths. The Fire/EMS type

of impact fee is new this year, which means there are five types of use now. They are looking into the Hotel (per room) fees with Fire/EMS.

Enderud: We will be having some educational sessions regarding the impact fee update. We aren't changing any methodology; we are just updating the costs. Starting in November we will be doing some outreach. The fees aren't calculated yet. Once we have the numbers put together, we will have something to bring back to Council. The estimated date of adoption of the new fees is in March.

7. MAYOR AND COUNCIL COMMENTS

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

None

8. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session. No final decision or action may be taken in executive session.

ACTION ITEM (To enter into executive session only):

- a. Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramification 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 ramification 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 which will last approximately ten minutes.

Second by Malloy

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

Motion Carried

Executive Session Began at 8:50pm

Executive Session Ended at 8:57pm

RETURN TO REGULAR SESSION

ACTION ITEM

- a. To approve Litigation as discussed in Executive Session

Motion by Thoreson to approve Litigation as discussed in Executive Session

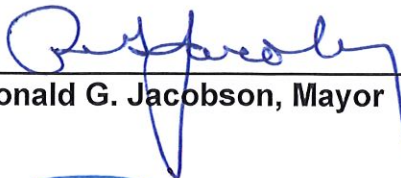
Second by Malloy

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

Motion Carried

ADJOURNMENT 8:58PM





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"