



**CITY COUNCIL
MEETING MINUTES**

**January 3, 2023
6:00 PM**

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

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:

Mayor Jacobson: City Hall will and City offices will be closed Monday January 16th in observance of Martin Luther King Jr. Day.

ACTION ITEM:

- a. Approval of the reappointment of Colin Coles and Christi Fleischman to the Post Falls Urban Renewal Agency

Motion by Malloy to reappoint Colin Coles and Christi Fleischman to the Post Falls Urban Renewal Agency

Second by Borders

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

Motion Carried

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 Borders to remove item a Minutes from the December 20, 2022 Council Meeting from the Consent Calendar

Second by Malloy

Vote: Shove-Aye, Borders-Aye, Ziegler-Aye, Malloy-Aye, Walker-Aye, Thoreson-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 – December 20, 2022, City Council Meeting – **Removed during Amendments to the Agenda**
- b. Payables – December 13, 2022 – December 26, 2022
- c. Retail Village I Minor Subdivision Construction Improvement Agreement
- d. Retail Village II Minor Subdivision Construction Improvement Agreement
- e. Retail Village III Minor Subdivision Construction Improvement Agreement
- f. Verte Glenn Subdivision Plat Application
- g. Assignment of Opioid Funds to Panhandle Health District

Motion by Malloy to approve the Consent Calendar as amended

Second by Borders

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

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. Adams Annexation File No. ANN-22-12

Public Hearing opened at 6:03pm

Staff Report

Laura Jones, Associate Planner presenting: The applicant is Glenn Adams, representing the owners George and Marilyn Adams Living Trust. They are requesting approval to annex approximately 4.75 acres into the City of Post Falls with a zoning designation of Single Family Residential (R-1). The property is located south of E 16th Avenue and east of N Idaho Street, it is bordered in the north and west by the city and east and south by county. Current land use is large lot residential, it is over the Rathdrum Prairie Aquifer. If annexed, the City would provide wastewater and water services. The surrounding zoning in the city is low density residential, R-1, to the east and south is large lot

residential properties with the county. One property to the east was recently annexed but is not yet shown on the map. The future land use map shows this property as low density residential. The focus area of the comprehensive plan promotes infill development and prioritizes annexations in this area. Policies 1, 2, 3, 9, 15, 17, 44 and 45 support the goals of the comprehensive plan with the annexation and proposed zoning of this property. 16th Avenue is a major collector roadway and rights-of-way conforming to the City's standards were acquired with the previous widening project of 16th avenue. Potential benefits to the City if this request is granted are preventing sub-standard development in the county, promotes compatible well-designed city development, addresses lack of available single-family residences, and pays impact fees. One potential benefit is contingent on developing and having adequate sanitary sewer flows, our assistant City Engineer Rob Palus may have more information on this for Council. Possible concerns to the City with this property being annexed with the requested zoning are single-family housing affordability, adequate parks, impacts to school, and parking.

Malloy: According to the map, it looks like there's a sliver to the north that still belongs to county.

Jones: I believe that's within the road right-of-way.

Rob Palus, Assistant City Engineer: That strip of right-of-way is in the process of being corrected with the annexation that was already approved to the east of this property. It was at the request of the Post Falls Highway District so that the city boundary was not in the middle of the roadway.

Malloy: So that will become part of the city?

Palus: Yes, even if you were deny this application tonight, that piece of 16th that's in front of the property will still be part of the City of Post Falls within the very near future.

Malloy: Can you give us some more detail on the sewer system for this request.

Palus: The sanitary sewer issue that's happening there has nothing to do with the capacity of the sewer main there. Its more of an elevation issue. When the City of Post Falls realigned 16th Avenue in that area, we extended sanitary sewer as far as we could at that location. At 16th Avenue, it is higher than the property to the south. In order to serve that property completely they would either need to take the sewer to the south through 12th avenue or slightly to the south and head west and connect to the Medical Court. As far as how much land can be covered, we can't determine that until we have a good survey done that would be completed during the design process. Regardless, there aren't capacity concerns in that area.

Thoreson: You wouldn't go south with the sewer while that is a county parcel?

Palus: They could do that if they entered into an agreement with the owners of the property to the south to give the City an easement to do so. We've done that in the past. On the above map is American Drive to the east and all of that is in the county, but we have a major sewer line under that for the City.

Thoreson: But they aren't using city sewer?

Palus: No, they are not allowed to use city sewer until they come into the city.

Applicant: (not present)

Testimony: None

Public Hearing Closed at 6:20pm

Warren Wilson, City Attorney: You have one other option tonight. Since the applicant is not here tonight, if you think you have sufficient information you can continue with reviewing the zoning criteria, if you don't think you have sufficient information you could continue this item to a future night to figure out why the applicant is not here. That's up to you.

Jacobson: Do you want to go through the steps based on the information we have?

Yes

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, low density, filling in a county pocket
2. Amendments to the zoning map should be consistent with the goals and policies found in the comprehensive plan.
Yes, filling in county pocket, continues the transportation network, it is consistent with surrounding uses, protects natural resources with developing into city sewer
3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
16th is a major collector, protects the aquifer, R-1 is already on the surrounding sides
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.
Orderly development, within walking distance with many of the daily needs
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 Adams Annexation File No. ANN-22-12 Second by Borders

Jacobson: We had two pieces of information that were included in the packet of people that were opposed to this annexation. I want people to get facts straight. One says quote, "The Mayor is constantly saying the increase population is necessary to fill the newly created jobs in the area." I've never said that we need more people. I've tried to attract jobs, but I've never said we need to increase the population. I respect your opinion and your right to oppose this annexation, but get your facts straight. Another gentleman said quote, "I had to go to the Mayor and threaten Americans with Disabilities Act action." I don't remember ever talking to the gentleman, and if anyone wants to talk with me about an issue, I'm more than willing to discuss it and see what we can work out. You threaten me, the conversation is over. So again, I respect people's opinion and their right to not agree, but get your facts straight.

Thoreson: Another clarification they wondered if the Mayor and the City Council actually lives in Post Falls. Yes, we would not have been eligible to be on the ballot unless we were in fact residents of Post Falls.

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

NONE

ACTION ITEMS:

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. WRF Harmonic Filter Replacement – Recommendation of Award

Jaxon Fleshman, Project Manager Presenting: The Harmonic Filter is located at the Wastewater Reclamation Facility in Utility Building #2. The purpose of this project is to replace the filter which is currently inoperable. It is a requirement by Avista Utilities to have that filter in place. The filter converts the power from the facility from erratic power to smooth power. The unexpected electrical event that damaged the filter happened on September 15th, 2022. The plans and specs for replacement were sent out to bid on November 23rd, 2022. The bid was received on December 9th, 2022. There was an informal bidding process to move the project through more quickly. We reached out to three companies that currently or have had projects with the City. We only received a bid from Midland Electric for \$104,736. With a 5% contingency the total would be \$109,972.80 funded through the Plant Maintenance and Repairs Fund. The electrical event was reported to the City's insurance agency, ICRMP. The city has already received part of the funds to replace the filter and are expected to be fully reimbursed by ICRMP upon council award. Completion of the project is about 30 weeks lead time to receive the actual filter, the work to install it will be about 2-3 days. The anticipated completion date is mid-late summer of 2023.

Jacobson: Is the unit functional right now?

Fleshman: No. It is not imperative to have the unit for the facility to operate, but that erratic power is not good and is a requirement by Avista to have it.

Ziegler: With that timeline, I assume Avista is aware of the issue.

Fleshman: Yes, Avista is aware.

**Malloy moves to approve the WRF Harmonic Filter Replacement
Second by Walker**

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

5. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for the public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor,

either by subsequent appointment or after tonight's meeting, if time permits. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring Council action must be placed on the agenda of an upcoming Council meeting. As such, the City Council can't take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

NONE

6. ADMINISTRATIVE / STAFF REPORTS

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

NONE

7. MAYOR AND COUNCIL COMMENTS

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

Jacobson: I want to thank the Chief. It was an awful situation that occurred last Thursday. We had three police vehicles that were damaged or destroyed in addition to a couple of buildings. I don't follow social media, but the comments made were overwhelmingly in support of our officers. If you see a picture of the vehicle, I'm surprised that the two officers were able to even get out of it. Please extend my appreciation to all the officers, but especially the training officer and trainee that were in the vehicle at the time.

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.

NONE

ACTION ITEM (To enter into executive session only):

ADJOURNMENT 6:34PM





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"