



**CITY COUNCIL
MEETING MINUTES**

**January 17, 2023
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

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

Topic: Property Tax/Shifting Market Values

Jason Faulkner, Finance Director and Shelly Enderud, City Administrator presenting:

During the workshop it was shown what percentage of your property tax goes to what taxing district. Also discussed was property tax budget limits and how property tax effects residential verses commercial property. Possible solutions to stabilize property taxes were talked about, but these would need to happen at the state level.

Workshop ended at 5:36pm.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

ACTION ITEM

- a. Post Falls Sanitation will be providing Christmas tree pick up for Post Falls residents on Saturday, January 28th. Trees must have all decorations removed and be cut into 4-foot bundles or less and placed curbside before 6:00 am.
- b. Requesting approval of :
 - Reappointment of James Hail to the Parks and Recreation Commission
 - Reappointment of Jayson Cornwell to the Parks and Recreation Commission
 - Reappointment of James Steffensen to the Planning and Zoning Commission

Motion by Malloy to approve the reappointments.

Second by Borders.

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

None

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

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

None

1. CONSENT CALENDAR

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

ACTION ITEMS:

- a. Minutes – December 20, 2022, City Council Meeting
- b. Minutes – January 3, 2023, City Council Meeting
- c. Payables – December 27, 2022 – January 9, 2023
- d. October 2022 Cash and Investments
- e. ICRMP Consent to Electronic Communications
- f. Approval of Grant Agreement with Kootenai County/Idaho Office of Emergency Management for the Upgrade of Security Doors at the Post Falls Police Department.
- g. North Place East 1st Addition Subdivision Plat Application
- h. FY 2022 Road and Street Report
- i. Foxtail 8th Addition Subdivision Plat Application
- j. Disposal of a Document Folding Machine by the Finance Department
- k. Bid Award of Two Dump Trucks to Freightliner NW.
- l. Purchase of a John Deere 210 P-Tier Tractor by the Streets Division

Motion by Borders to approve the Consent Calendar as presented.

Second by Malloy.

Vote: Ziegler-Aye, Borders-Aye, Walker-Aye, Malloy-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. FY 2023 Budget Amendment #1

Public Hearing opened at 6:03pm.

Staff Report

Jason Faulkner, Finance Director presenting: Fiscal year 2022 was a busy year for city departments, as a result budgeted projects were not able to be completed and budgeted capital purchases were unable to be made. These need to be moved from the fiscal year 2022 budget to the fiscal year 2023 budget. There is no increase to the budget.

Testimony

In Favor – None

Neutral – None

In Opposition – None

Public Hearing closed at 6:08pm.

Motion by Malloy to approve the FY 2023 Budget Amendment #1.

Second by Borders.

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

Motion Carried

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

Public Hearing opened at 6:08pm.

Staff Report

Jon Manley, Planning Manager presenting: The proposed new language is in line with the State's LLUPA Title 67. The proposed Zone Change Review Criteria was originally presented to Council on August 1, 2022, where Council directed staff to have a workshop on the subject and then bring it back to a regular Council meeting. The workshop was held on November 1, 2022. The concerns expressed during the November workshop are contained in the updated draft ordinance. On July 12, 2022, the Planning and Zoning Commission recommended approval of the proposed changes.

Testimony

In Favor – None

Neutral

Bob Flowers (Post Falls): If the change needs to happen great. Why now and to what benefit are these changes to the citizens of Post Falls. I would like to see maybe a workshop in the rotunda explaining this. our zoning regulations are confusing. Something as important as zoning should be made clear and put out to the public.

Howard Burns (Post Falls): I like that this brings in the neighboring neighborhoods. The transitional stuff there is no guidance unless it is right next door. No zoning should go through without a formal response by the school district.

In Opposition – None

Rebuttal

Manley – Transitional is a land use not zoning. We have been working on this for while and Chapter 18 will be constantly changed and need to match the State code.

Public Hearing closed at 6:23pm.

Discussion

Malloy: When this first came forward, I thought this would take away the power of council. The workshop was helpful in explaining that. We do not have to rubber stamp everything. This will help us from running against state code. This should have happened a few years ago. It is a good update.

Borders: I agree. There were tools produces to help us.

Ziegler: This will help us to make our own decision.

Walker: I agree.

Mayor: The council will still have the ability to make up their own mind. And we will be in line with state code.

Motion by Malloy to approve Zoning Approval Criteria File No. TA-22-5 and to direct the ordinance to be brought back at a future meeting.

Second by Walker.

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

Motion Approved

c. Title 18 Cottage Homes Ordinance File No. TA-22-7

Public Hearing opened at 6:28 pm.

Staff Report

Laura Jones, Associate Planner presenting: This would provide a form of smaller single family residential units, diversifying a housing choice and provide housing that is attainable and attractive to expand opportunities for home ownership. Currently there are no standards in place. Having standards may provide a level playing field for all cottage home developments while creating a clearer path in permitting. Cottage housing developments may incentivize some additional infill projects. Cottage housing can offer a smaller scale housing choice, which are suitable for meeting a variety of needs, compared to traditional detached single-family homes. The proposed changes from the Planning and Zoning Commission are:

- Amend the requirement for the medium density (R-2) single-family lot size to be reduced to 4,000 square feet from 4,800 square feet.
- Clarify that both front and side loaded garages cannot exceed 360 square feet.
- Clarify porches are front porches not side or rear.
- Emphasize the garage setback to be 20' or reference the section of city code.
- Allow for rear and side yard fences to be 72' high rather than 48' in height.

Borders: I am concern with fire rating and the homes too close together. We should have a requirement for fire rating.

Testimony

In Favor

Ryan Martin (Spokane): I'm all for cottage homes. Good way to use small spaces

Treva Gaul (Post Falls): I don't like all of the apartment buildings popping up everywhere. I would prefer to see small cottage home communities.

Nolan Gau (Post Falls): Having had to live in mobile homes and trailer parks much of my life, I would like to see small, quality, permanent dwelling available at fair pricing. Also, people wanting to downsize would appreciate this type of community were the upkeep would be reasonable especially for elderly and physically challenged individuals.

Neutral

Howard Burns (Post Falls): I am confused on the lot size. If I have this zoning, can I apply for a PUD. Is there parking on the street. Could you add onto these houses? There should never be backed up to a standard residential home with out a hearing. An HOA should be required. Are detention spaces counted in the green space? On the map they showed it did not show where the driveway would be.

In Opposition - None

Rebuttal

Jones: 2,400 ft. is the lot size for cottage homes, the other is for R-2. With notifying neighbors, every home within 300 ft are notified. HOA would be required. Engineering would look at the parking on the street. There is landscaping buffer required if next to R-1 zoning.

Public Hearing closed at 7:02pm.

Discussion

Ziegler: It makes sense to have a criteria in place. I do like cottage homes for the entry level citizens starting out.

Walker: I like it giving the opportunity for people to buy.

Malloy: I think appropriately place these would be great and would give people more opportunity to buy and build equity.

Mayor: I like the change of the 6ft fence on the side. It is another alternative.

Malloy: with the green space it cannot be a swale. It has to be something people can use.

Borders: I like the standards and ideal. I just do not like the separations.

Motion by Malloy to approve Title 18 Cottage Homes Ordinance File No. TA-22-7, to include the recommendations by the Planning and Zoning Commission, and to direct staff to bring this back as an ordinance at a future council meeting.

Second by Ziegler.

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

Motion Approved

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. Water Tower Parking Lot and Pocket Park Approval to Bid Parking Lot and Approval of Pocket Park Concept.

Bill Melvin, City Engineer and Robbie Quinn, Parks Planner presenting: City Council previously authorized the design and preparation of contract documents for the Water Tower Parking Lot and the concept preparation for the adjacent future Water Tower Parking Lot on 1/17/2011, with a contract with Welch Comer Engineers. The design and contract documents for the parking lot have been approved by staff and legal, and the pocket park concept has been approved by the Parks staff and the Parks and Recreation Commission. If approved, the Parking Lot project will be advertised to bid. This project would be for \$560,000 and come out of the City's general fund.

Motion by Malloy to approve the parking lot bid and the Pocket Parks Concept.

Second by Borders.

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

Motion Carried

- b. Ordinance – Vacating a Lift Station Easement on Lot 1, Block 4, Crimson King Estates

Motion by Malloy to place the Ordinance Vacating a Lift Station Easement on Lot 1, Block 4, Crimson King Estates on its first and only reading by title only while under suspension of the rules.

Second by Borders.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF IDAHO, PROVIDING FOR THE VACATION OF A LIFT STATION EASEMENT ON LOT 1, BLOCK 4 OF THE CRIMSON KING ESTATES SUBDIVISION RECORDED AS INSTRUMENT NUMBER 2056092000 ON PAGE 377A IN BOOK J OF PLATS, RECORDS OF KOOTENAI COUNTY, IDAHO AS DESCRIBED HEREIN; PROVIDING FOR DISPOSITION OF THE VACATED EASEMENT HEREIN; PROVIDING FOR DISPOSITION OF THE VACATED EASEMENT; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

Motion by Malloy to approve the Ordinance Vacation a Lift Station Easement on Lot 1, Block 4, Crimson King Estates and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

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

Motion Carried

4. NEW BUSINESS

This portion of the agenda is for City Council consideration of items that have not been previously discussed by the Council. Ordinances and Resolutions are generally added to a subsequent agenda for adoption under Unfinished Business, however, the Council may consider adoption of an ordinance or resolution under New Business if timely approval is necessary.

ACTION ITEMS:

- a. Q'emiln Well Rehabilitation Consulting Services

Bryan Myers, Parks Manager presenting: The Parks and Recreation Department desires to implement improvements to the Q'emiln domestic water well in accordance with the Idaho Department of Environmental Qualities (IDEQ) Sanitary Survey dated July 14th, 2022. Major deficiencies were identified to include failing/corroded well casing, no vent on the well cap, wellhouse building and mechanical piping in disrepair that does not meet current IDPA rules. This contract will provide consulting services including investigation, due diligence and recommendations to correct deficiencies identified in the IDEQ sanitary survey. The scope of work includes assembling and reviewing existing information, previously prepared plans, and other relevant data for the use during design. United Crown will pull the existing pump and video the well as a subconsultant to T-O Engineers. Northwest Groundwater Consultants will review the video and summarize findings and provide a recommendation regarding well casing as a subconsultant to T-O Engineers. In the event the existing well cannot be rehabilitated and the city authorizes, Northwest Groundwater Consultants will perform a well site evaluation to determine suitable locations for a new well. T-O will provide a memorandum summarizing project tasks and recommendations on moving forward to correct the major deficiencies identified. The lump sum fee for services to be provided is \$21,183.00 to be paid by the General Fund, Parks and Recreation Avista M&O line item. Following the completion of this scope of work it is anticipated the department will return to City Council with a request for a consulting services contract to design improvements outlined in the resulting memo.

Motion by Borders to approve the Q'emiln Well Rehabilitation Consulting Services contract with T-O Engineers.

Second by Malloy.

Vote: Ziegler-Aye, Borders-Aye, Walker-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.

Howard Burnes (Post Falls): Mr. Burns believes that when land is annexed into the city and if they were receiving an agriculture exemption on their taxes that should be given up.

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.

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):

None

ADJOURNMENT 7:29 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"