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**CITY COUNCIL  
MEETING MINUTES**

**February 21, 2023  
6:00 PM**

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

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**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: Future Snow Operations

**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:**

**None**

**AMENDMENTS TO THE AGENDA**

*Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.*

**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 – February 7, 2023, City Council Meeting

- b. Payables – January 31, 2023 – February 13, 2023
- c. Morris Annexation Development Agreement and Grant of Easement
- d. December Cash and Investments
- e. Joseph Family Trust Annexation Development Agreement, Right-of-Way and Easement
- f. Water Department Well 8 Backup Generator Repair
- g. New Opioid Settlements
- h. Stone's Throw Subdivision Plat Application

**Motion by Malloy to approve the Consent Calendar as presented.**

**Second by Borders.**

**Vote: Borders-Aye, Ziegler-Aye, Thoreson-Aye, Shove-Aye, Malloy-Aye, Walker-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. D-Bat Facility Zone Change File No. ZC-22-6

**Public Hearing opened at 6:01 pm.**

### **Staff Report**

Ethan Porter, Associate Planner presenting: The requested action is to rezone approximately 2.13 acres in the City of Post Falls from Heavy Industrial (HI) zoning to the Industrial (I) zoning district. This property is located on the east side of Commerce Loop, north of 6260 E Commerce Loop. Currently the site is undeveloped vacant land. The City of Post Falls will provide water and sewer. The area is designated commercial within the Maplewood focus area in the future land use map. The Maplewood focus area promotes infill development with commercial and industrial uses along Seltice Way. Goals and Policies one, two, eight, eleven and twelve are in accordance with the Comprehensive Plan. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning. Both Seltice Way and Commerce Loop are major transportation routes, and this proposal supplies sufficient access based on the City's Master Transportation Plan. Heavy Industrial zoning is a legacy zone that has no practical use in the city and would have to be rezoned before development occurs on the site. There are few Heavy Industrial areas in the city, at one point in time in the past the zoning designation was used.

### **Applicant**

Rex Anderson, Fusion Architecture: Our request meets the Goals and Policies within the Post Falls Municipal Code, and the project is in line with the location and the zoning.

### **Testimony**

In Favor – None

Neutral – None  
In Opposition – None

**Public Hearing closed at 6:12 pm.**

**Discussion**

**Zoning Criteria**

1. Amendments to the Zoning Map should be in accordance with the Comprehensive Plan's Future Land Use Map.

Thoreson: It is.

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

Malloy: Industrial tends to create higher paying jobs. Everything on Commerce Loop is basically industrial.

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: Everything I just said.

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.

Borders: Seltice Way and Commerce Loop fit this.

**Motion by Malloy to approve the D-Bat facility zone change File No. ZC-22-6 and to direct staff to bring back and ordinance for approval.**

**Second by Borders.**

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

**Motion Carried**

- b. Title 18A Idaho St. Housekeeping File No. TA-22-6

**Public Hearing opened at 6:16 pm.**

**Staff Report/Applicant**

Ethan Porter, Associate Planner presenting: The requested action is to review and approve the requested amendments to the Title 18A. This amendment is specific to zones SC5 and SC6. The ground floor of any structure constricted on a lot with frontage on Idaho or Spokane Street must be used for non-residential uses. The purpose is so we don't have apartments right along the prime commercial corridors for mixed use. A developer was looking for this part of the code that never was codified, which is why we are bringing it forward again to gain adoption in a timely manner.

**Testimony**

In Favor – None  
Neutral – None  
In Opposition - None

**Public Hearing closed at 6:19 pm.**

Malloy: I supported it before, and I support it again.

**Motion by Malloy to approve the Title 18A Idaho St. Housekeeping File No. TA-22-6.  
Second by Borders.**

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

c. Impact Fee 2023 Update

**Public Hearing opened at 6:20 pm.**

**Staff Report**

Warren Wilson, City Attorney: Impact fees are payments required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve the community and new developments. They are not used to pay for maintenance, staffing, vehicles, etc. The fees are used to shift the costs of financing public facilities from the general taxpayer. Growth paying for growth. Our current impact fees are:

- Parks and Recreation
- Police
- Transportation: Streets
- Transportation: Multimodal Paths

Greg McLean, Chief of Police: Areas of need in the Police Department due to population increase:

- Out of administrative and personnel support space
- Need for additional warehouse/storage
- Modification to fleet shop to make more efficient
- Fleet, employee and visitor parking need to be expanded
- Land purchase

The cost of a 15,000 sq/ft expansion will be \$12.6 million. Annually we collect around \$450,000. It is estimated that it would take 26 years to collect the needed amount for the expansion. An impact fee increase would allow the project to be paid for earlier.

Dave Fair, Parks and Recreation Director: : Impact fees are used for level 1 and level 2 parks and indoor recreation. Without an impact fee increase we would need to look at changing the level of service in the parks.

Bill Melvin, City Engineer: These impact fees are based on the City's Transportation Master Plan.  
Warren Wilson:

**Testimony**

In Favor – None  
Neutral – None  
In Opposition - None

**Public Hearing closed at 6:47 pm.**

**Discussion**

Mayor: If things change in the future and costs come down can this be revisited?

Wilson: It would be a period of time to go over this. parts can be turnaround quicker than others.

Shove: I do not like the increase, but it has to come from somewhere because of the growth. I would like for us to find it somewhere else, but I do not know where.

Borders: I do not like the size of the increase. There is a need for an increase of some sort. I don't have a number for you on what that percentage might be. If we don't do it here probably our only other option would be to increase taxes down the road. Growth pays for growth.

Ziegler: It is a huge increase. My concern is it discourages new growth. I would like to see maybe an incremental increase over a few years. It is a tough one.

Thoreson: The challenge for me is not every person that rents, or buys is from people moving here. Developers will pass their costs on. This will affect rent and the cost of homes. It is a huge jump.

Walker: I agree, it is a huge jump.

Malloy: I wish there was some public comment so we can see where the public is on this. to get costs down I looked at the categories to see what is necessary for the city to function. If you can maintain law and order a city can't function, so I do not see cutting anything out of the public safety. Without transportation infrastructure goods cannot get in or out. So, it would be unwise to cut the increase out of transportation. All the time we hear about traffic, road conditions, and crime. It is not very often I hear some say we need more bike paths or that we need more parks. Multimodal and parks are not necessary for a city to function, it makes it a nicer place to live. No matter what housing prices are going to get higher. I think we should take 25% out of parks and multimodal.

**Motion by Malloy to approve the public safety and transportation at the proposed level and the parks and multimodal at increases at 76% of the proposed increases and to direct staff to prepare the documents to come back before Council at a future meeting.**

**Second by Borders.**

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

**Motion Carried**

### **3. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS**

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

#### **ACTION ITEMS:**

- a. Ordinance - Morris Annexation File No. ANN-0013-2021

**Motion by Thoreson to place the Ordinance Morris Annexation File No. ANN-0013-2021 on its first and only reading by title only while under suspension of the rules.**

**Second by Ziegler.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 13.09 ACRES, THAT PORTION OF THE SE ¼ OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 5 WEST, B.M., KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**Motion by Thoreson to approve the Ordinance Morris Annexation File No. ANNX-0013-2021 and to direct the clerk to assign the appropriate number and that it be published by summary only.**

**Second by Malloy.**

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

**Motion Carried**

b. Ordinance – Adams Annexation File No. ANNX-22-12

**Motion by Thoreson to place the Ordinance Morris Annexation File No. ANNX-0013-2021 on its first and only reading by title only while under suspension of the rules.**

**Second by Malloy.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 4.75 ACRES, THE WEST HALF OF TRACT 39, BLOCK 35, POST FALLS IRRIGATED TRACTS, ACCORDING TO THE PLAT RECORDED ON BOOK C OF PLATS AT PAGES 78-80, RECORDS OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**Motion by Thoreson to approve the Ordinance Morris Annexation File No. ANNX-0013-2021 and to direct the clerk to assign the appropriate number and that it be published by summary only.**

**Second by Malloy.**

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

**Motion Carried**

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

**Motion by Thoreson to place the Ordinance Morris Annexation File No. ANNX-0013-2021 on its first and only reading by title only while under suspension of the rules.**

**Second by Malloy.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 41 ACRES, A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST, KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**Motion by Thoreson to approve the Ordinance Morris Annexation File No. ANNX-0013-2021 and to direct the clerk to assign the appropriate number and that it be published by summary only.**

**Second by Malloy.**

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

## Motion Carried

d. Contract Amendment with JUB Engineers for Construction of the Outfall, Phase 1 Andrew Arbini, Projects Division Manager presenting: Several delays have occurred in the construction of the New Outfall pipeline that include impacts to the supply chain market and material availability. The project has also presented challenging site conditions with pipeline construction on a steep slope that includes in-water work. These delays have been largely eclipsed when the pressure testing, following pipeline installation in 2021, indicated a section of pipe was out of compliance with the allowable leakage. McMillen proposed a remedy and the city agreed to a change order to install a cured in place pipe liner to address the concerns. Unfortunately, the installation of the cured in place pipe product was unsuccessful. Following that installation attempt, McMillen proposed replacing the section of pipeline in question. Onsite replacement started early January 2023. Installation was completed and following a successful pressure test, the contractor reached Substantial Completion on February 2, 2023. Except for final site restoration and closeout items, construction of the Outfall is considered complete, and the pipeline is in service.

**Motion by Thoreson to approve the contract amendment with JUB Engineers for construction of the outfall, phase 1.**

**Second by Malloy.**

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

**Motion Carried**

## 4. NEW BUSINESS

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

## ACTION ITEMS:

None

## 5. CITIZEN ISSUES

*This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for the public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight's meeting, if time permits. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring Council action must be placed on the agenda of an upcoming Council meeting. As such, the City Council can't take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.*

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. Prairie Ave. – Roadway Improvements

Rob Palus, Assistant City Engineer presenting: Prairie Avenue is a locally and regionally significant roadway for commercial and residential purpose. Prairie Avenue is a classified Primary Arterial

Roadway for the City of Post Falls and a Critical Arterial Corridor by the Kootenai Metropolitan Planning Organization (KMPO). Mr. Palus gave an update on several projects within the vicinity of SH41, that will take Prairie Ave from its current 2-lane configuration to a 5-lane facility.

## 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: Please drive carefully. The roads can be slick.

## 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 7:25 PM

  
Kerri Thoreson, City Council President



  
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”