CITY OF POST FALLS

CITY COUNCIL MEETING MINUTES

March 7, 2023
6:00 PM

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

WORKSHOP – 5:00 pm Basement Conference Room
Topic: Agricultural Exemptions and Closing Urban Renewal Districts Early
Warren Wilson, City Attorney presenting:
I.C 63-904 allows agricultural lands to be taxed at a lower rate. If the land is 5 acres or more it has
to be “actively devoted” to agriculture such as producing field crops, producing nursery stock,
grazing livestock for profit or leased for grazing, or in a crop rotation/retirement program.
If the land is 5 acres or less and “actively devoted” to agriculture for the last 3 seasons it has to
produce field crops, or produce nursery stock, or grazing livestock for profit/leased for grazing, or in
a crop rotation/retirement program. It also has to provide 15% of the owner’s annual income, or
gross revenues of $1,000 or more in the preceding year. If less than 5 acres it is presumed to be
“nonagricultural” unless proven. If a plat restricts the use of the property for ag uses, the property
cannot qualify for ag exemption whether its in the city or not. Platting of property does not change
the status if the property meets the requirements. The focus of the statute is on how the property is
used and not whether its annexed or platted. If actively used for agriculture, the property receives
the tax break regardless of other factors. This is harder to qualify for smaller properties. This may
not be legal to require an owner to give up status. Agricultural uses are valuable and should be
supported for as long as the property is being used for agricultural uses. Ag property does not use
many city services so not limited additional services to justify the requirement. This could very likely
create a legislative backlash to protect farmers.

Early termination of Urban Renewal Districts.
Districts plans are required to have a termination date, this date can be changed by modifying the
Urban Renewal Plan. In the year immediately preceding the new termination date, the agency
would need to ensure that sufficient revenue exists to pay off existing debts/liabilities.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY KERRI THORESON, CITY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS
Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove – Present
Mayor Jacobson - Excused

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:
   a. A portion of the Centennial Trail between Spokane St and McGuire Rd will be closed March
      13th through the 16th. there will be a detour in place along Seltice Way.
b. Daylight Savings is this weekend, don’t forget to spring forward.
c. Post Falls Urban Renewal Agency Annual Report for 2022

AMENDMENTS TO THE AGENDA
Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.
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 21, 2023, City Council Meeting
   b. Payables – February 14, 2023 – February 27, 2023
   c. School Resource Officers Contract with the Post Falls School District
   d. Acceptance of Property – Quitclaim Deed for 4th Avenue/Idaho Street Intersection
   e. Boyd’s Landing Subdivision Construction Improvement Agreement

Motion by Malloy to accept the Consent Calendar as presented.
Second by Borders.
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. Fiscal Year 2023 Budget Amendment #2
Public Hearing opened at 6:21 pm.

Staff/Applicant Report
Jason Faulkner, Finance Director presenting: Staff is requesting to amend the budget as follows:
Crown Pointe Regrading Project $212,594.00
Equipment bays at 3rd Ave Parks Shop $159,079.00
Two ¾ ton pickup trucks $109,713.00
Mini skid steer attachments $19,555.00
Mini skid steer $81,505.00
Spokane St. Reconstruction Project $1,307,768.00

These items were all approved in the last budget but did not get done, so the money for them need to be move from one budget to another. Also, an additional budget request is needed from the prior amendment related to funds transfer from the General Fund to the Facility Reserve Fund.

Testimony
In Favor: None
Neutral: None
In Opposition: None

Public Hearing closed at 6:24 pm.

Motion by Malloy to approve the Fiscal Year 2023 Budget Amendment #2.
Second by Walker.
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. Spokane Street Rehabilitation – Authorization for Construction Phase Services with Welch Comer

Jaxon Fleshman, Project Manager presenting: Welch Comer started design of the Spokane Street Rehabilitation project following Council approval in February 2022. The original agreement included engineering and design services with the option to add construction phase at a future date. This authorization for additional services includes the necessary tasks for bidding and construction management and observation. The project involves removal and replacement of asphalt from the Spokane Street Bridge to the eastbound I-90 on/off ramp intersection. Also included are some minor water system improvements, manhole lid replacements, and installation of conduits designated for future use. City Staff and Welch Comer are aware of other projects in the vicinity led by the Idaho Transportation Department and Post Falls Highway District and will continue to coordinate timing and work activities to minimize impact to the traveling public. Bidding on this project is anticipated spring 2023 with construction to follow a bid award. The requested amount for this is $105,600.

Motion by Malloy to approve the Spokane Street Rehabilitation Authorization for Construction Phase Services with Welch Comer.
Second by Borders.
b. Spokane Street Rehabilitation – BNSF Crossing Surface Installation Agreement

Jaxon Fleshman, Project Manager presenting: The Spokane Street Rehabilitation Project involves removal and replacement of asphalt from the Spokane Street Bridge to the eastbound I-90 cn/off ramp intersection. Within this area is a BNSF Railway Crossing. The existing crossing predates current BNSF standards which requires concrete planking. Typically, the cost of the improvements are the responsibility of the Agency (City) performing the adjacent roadway improvements. In partnering with BNSF, this agreement is a cost share 50/50 between the City and BNSF Railway. The planking improvements are anticipated to occur concurrent with the Spokane Rehabilitation project in 2023. The requested amount for this is $55,201.30.

Motion by Malloy to approve the Spokane Street Rehabilitation BNSF Crossing Surface Installation Agreement.
Second by Borders.
Vote: Walker-Aye, Ziegler-Aye, Borders-Aye, Shove-Aye, Thoreson-Aye, Malloy-Aye Motion Carried

Motion by Malloy to approve the WRF Outfall Upgrade Project Closeout and Contingency with McMillen.
Second by Borders.
Vote: Ziegler-Aye, Borders-Aye, Shove-Aye, Thoreson-Aye, Malloy-Aye, Walker-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.
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.

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):
Idaho Code 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent (does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general).

Motion by Borders to enter into Executive Session pursuant to Idaho Code 74-206(1)(a), to consider hiring a public officer, employee, staff member or individual agent, further that no action will be taken during the session and the session will last no longer than 10 minutes. Second by Ziegler.
Motion Carried

Entered Executive Session at 6:46 pm.
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"