



**CITY COUNCIL
MEETING MINUTES**

**April 4, 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:

- a. The annual Easter Egg Hunt Extravaganza is this Saturday, April 8th at Q'emiln Park. This free event for children will be split into 5 age divisions from toddlers to 11 years old. The first age division begins at 1pm. Children must bring their own basket or bag to collect eggs in.
- b. The June 20th City Council meeting is being moved to June 15th. The July 4th City Council meeting is being moved to July 5th due to the holiday.
- c. Proclamation – Fair Housing Month

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 – March 21, 2023, City Council Meeting
- b. Payables – March 14, 2023 – March 27, 2023

- c. Request by the Parks Department to Dispose of Damaged or Broken Asset Items
- d. Acceptance of Property – Sewer Easement Beck/Pointe Parkway
- e. Acceptance of Property – Sidewalk, Utility and Drainage Easement – Lots 1-4 of Block 6, Riverbend Commerce Park Phase I
- f. D-Bat Facility Reasoned Decision File No. ZC-22-6
- g. Jacklin HWY41 Project Addendum I to the Construction Improvement Agreement
- h. Vacation of Easement – Beck and Pointe Parkway

Motion by Borders to accept the Consent Calendar as presented.

Second by Malloy.

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

None

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. Resolution – Fee Schedule Update

WHEREAS, the City of Post Falls annually reviews all fees during the budget process to ensure accuracy; and

WHEREAS, periodic revisions to fees may be necessary; and

WHEREAS, the City has fees already established; and

WHEREAS, the City of Post Falls has determined that the fee schedule be amended to reflect the reasonable costs of providing the services; and

WHEREAS, after public hearing has been held prior to the adoption of this resolution, regarding new and increased city fees, it is deemed by the City council to be in the best interest of the City of Post Falls and the citizens thereof that the fee schedule be amended to include the new and increased fees which were addressed in the public hearing.

NOW, THEREFORE, Be It Resolved by the Mayor and City Council of the City of Post Falls, Idaho that the following fee schedule, which reflect the new and amended fees and all other fees that have not been amended, be adopted for the City of Post Falls:

City staff is directed to take all administrative actions necessary to implement the attached listing of effective City fees.

Any fee inconsistent with the provisions of this Resolution is hereby repealed or superseded to the extent of such inconsistency, as appropriate.

The revised fee schedule shall be effective beginning May 4th, 2023, unless another date is otherwise indicated in the resolution, and shall remain in force until revised by subsequent Resolution of the Post Falls City Council

Motion by Thoreson to approve Resolution – Fee Schedule and to direct the clerk to assign the appropriate number.

Second by Malloy.

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

Motion Carried

b. Ordinance – Adopt Technical Memorandum for Interim Update to Development Impact Fees

Motion by Thoreson to place the Ordinance – Adopt Technical Memorandum for Interim Update to Development Impact Fees on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REVISING THE DEVELOPMENT IMPACT FEE CHAPTER OF THE POST FALLS MUNICIPAL CODE; AMENDING SECTION 19.04.130 TO ADOPT A NEW TECHNICAL MEMORANDUM THAT INCLUDES AN INTERIM UPDATE TO DEVELOPMENT IMPACT FEES; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Motion by Thoreson to approve the Ordinance – Adopt Technical Memorandum for Interim Update to Development Impact Fees and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Walker.

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

Motion Carried

c. Ordinance – FY23 Budget Amendment #2

Motion by Thoreson to place the Ordinance – FY23 Budget Amendment #2 on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

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

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, IDAHO, AMENDING THE ANNUAL APPROPRIATION ORDINANCE 1476 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, TO RELLECT THE RECEIPT OF UNSCHEDULED REVENUE AND THE AUTHORIZE

EXPENDITURE OF PREVIOUSLY UNBUDGETED FUND BALANCE, INCREASING AND ESTABLISHING THE APPROPRIATIONS FOR EXPENDITURES IN VARIOUS DEPARTMENTS AND FUNDS, PROVIDING THAT THE TAX LEVY UPON TAXABLE PROPERTY WITHIN THE CITY IS NOT AFFECTED HEREBY, PROVIDING THAT ALL ORDINANCES IN CONFLICT HEREWITH ARE SUPERSEDED BY THIS ORDINANCE TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING THAT THE ORDINANCE SHALL BE EFFECTIVE UPON ITS PUBLICATION DATE.

Motion by Thoreson to approve the Ordinance – FY23 Budget Amendment #@ and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Malloy.

Vote: Ziegler-Aye, Thoreson-Aye, Shove-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. Fisher Lift Station Replacement Engineering Report and Site Survey

Craig Borenpohl, Utility Manager presenting: The 2019 Collection System Master Plan identified the need to construct a new regional Fisher Lift Station to receive future flows from the Prairie Falls II, Grayling, and future lift station basins north. The project was listed within the list of improvements to be completed within five years. The proposed contract will complete the initial steps of the larger replacement project. A preliminary engineering report will be developed to inform the design requirements of the regional lift station and meet regulatory requirements. The site survey portion of the contract will allow for selection and recording of a suitable replacement location for the site. It is anticipated the purchase of land from a nearby property owner will be required for the replacement lift station and completion of the survey services will allow for negotiation with landowners on finalizing the purchase. This contract does not include consulting services for the lift station design or construction oversight. Contracts for these future activities will be brought before City Council prior to commencement of that work. The cost for this is \$37,145.

Motion by Malloy to approve the Fisher Lift Station Replacement Engineering Report and Site Survey.

Second by Borders.

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

Motion Carried

b. Consultant Services for Black Bay Park Maintenance Yard Parking Lot

Robbie Quinn, Parks Planner presenting: The Parks Division is seeking design services for the north Black Bay parking lot, which will include improvements to the Park Maintenance facility yard. North Black Bay parking lot enhancements were recommended with the adopted 2019 Black Bay Vision Plan. These improvements are intended to create an enhanced park entrance, increase parking and finalize street frontage improvements along the property. Additionally, with this scope, the design will address necessary upgrades to the park's maintenance facility outlined in the 2021 Post Falls Facility Needs Assessment. This design contract will assist laying out future covered

storage locations and ensuring elevations for stormwater management throughout the maintenance yard and Black Bay parking lot. This contract is for design services only, and construction funding for the parking improvements will be submitted to the Council for approval at a future date. The cost for this is \$43,767.

Motion by Malloy to approve the Consultant Services for Black Bay Park Maintenance Yard Parking Lot.

Second by Ziegler.

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

Motion Carried

c. Tertiary Treatment Upgrade – Contract Adjustment to Wigen Membrane Filtration
Andrew Arbini, Project Division Manager presenting: Circumstances beyond the control of the project team have led to significant increases in the raw materials and labor necessary to manufacture materials and equipment as part of the Tertiary Treatment Improvements project. The City contracted with Wigen Water Technologies for the design and pre-procurement of the membrane filtration system during the design of the Tertiary Treatment Improvements project. The Contract with Wigen was assigned to Sletten Construction Companies following the contract award in 2020. The contract with Wigen included a Cost Performance Index (CPI) intended to serve as the basis for calculating any cost escalation and defining responsibility between the parties. The assignability of the agreement and which party is responsible for escalation, was largely based on completing intermediate milestones outlined in the contract. Contractually, from the City's perspective, the amount of price escalation requested from Wigen is in-line with the CPI calculation. While the contractual language would point to the majority of this escalation as having occurred during the assignment to Sletten, it is less clear when factoring the timing in relation to the intermediate milestones and notices for the cost escalation to Sletten Construction in the amount of \$190,568.10. This cost adjustment to the contract is within the allocated contingency for the project. The city has a long history of seeking partnerships and good business relationship with contractors. This change order provides an opportunity to resolve the cost escalation with Wigen Water Technology and Sletten, providing certainty to the contractor, the supplies, and the city. The cost of this change order is \$190,568.10. This increase is within the allocated contingency for the project.

Motion by Malloy to approve the Tertiary Treatment Upgrade – Contract Adjustment to Wigen Membrane Filtration.

Second by Borders.

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

Keri Horman spoke about the need for more supervision at the skate park.

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.

Mayor spoke about wishing Associate Planner Laura Jones well with her new job.

Mayor spoke of the Utility Department and how friendly and helpful they are at the front desk.

8. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter into 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)(c) To acquire and interest in real property which is not owned by a public agency.

Motion by Thoreson to enter into Executive Session pursuant to Idaho Code (1)(c) to acquire and interest in real property, which is not owned by a public agency, further that no action will be taken during the session and that the session will last approximately 10 minutes.

Second by Malloy.

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

Motion Carried

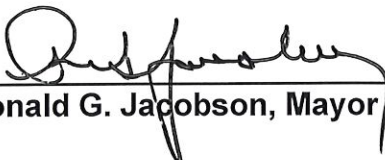
Entered into Executive Session at 6:35 pm.

Exited Executive Session at 6:45 pm.

RETURN TO REGULAR SESSION

ADJOURNMENT 6:45 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"