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**CITY COUNCIL  
MEETING MINUTES**

**June 6, 2023  
6:00 PM**

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

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**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 (on Phone) - **Present**  
Lynn Borders, Kenny Shove - **Excused**

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:  
ACTION ITEM**

- a. The next City Council meeting has been moved to Thursday, June 15<sup>th</sup>, starting at 5:30 pm here at City Hall. There will not be a meeting on June 20<sup>th</sup>.

**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 Thoreson to continue the Comprehensive Plan Amendment-Additional Clarifying Language Related to Focus Area Description and the Housing Company Zone Change (File No. ZC-23-1) public hearing to the July 5<sup>th</sup>, 2023 City Council meeting at 6:00 pm and to continue the Millsap Landing Annexation (File No. ANN-23-16) public hearing to the June 15<sup>th</sup>, 2023 city Council meeting at 5:30 pm.**

**Second by Malloy.**

**Vote: Thoreson-Aye, Malloy-aye, Walker-Aye, Ziegler-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 – May 16, 2023, City Council Meeting
- b. Payables – May 9, 2023 – May 29, 2023
- c. Building Inspectors Request for Disposal of Vehicle
- d. Facility Maintenance Request for Disposal of Vehicle
- e. Water Reclamation Facility Request for Disposal of 1998 Vactor Truck
- f. March 2023 Cash and Investments
- g. Ashlar Ranch Subdivision Construction Improvement Agreement
- h. Intergovernmental Agreement with City of Hayden for Prosecution Services
- i. Memorandum of Understanding with the Idaho Attorney General for a Fully Funded Certified Officer to Investigate Crimes Against Children
- j. Purchase of ClearGov Budgeting Software by the Finance Department
- k. Wellsprings Addition Subdivision Construction Improvement Agreement
- l. Mongeau Meadows Subdivision Plat Application
- m. 2023 Asphalt Chip Seal and Fog Seal Placement Bid Award
- n. Jacklin HWY-41 Construction Improvement Agreement Addendum II – Fennecus Roundabout and Prairie Widening

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

**Second by Walker.**

**Vote: Walker-Aye, Ziegler-Aye, Thoreson-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. Impact Fee Update

**Public Hearing opened at 6:07 pm.**

**Staff Report**

Jason Faulkner, Finance Director Presenting: Staff engaged with TischlerBise in the Fall of 2022 to update the fee categories with updated costs for the projects within the fee categories. These findings were presented to Council in a Workshop held on February 7<sup>th</sup> and a Public Hearing on February 21<sup>st</sup>. Council provided direction to amend the fees, reducing the parks impact fee and the multimodal fee, and bring back to Council for adoption. The amended fees were brought back to Council on March 21<sup>st</sup> but did not include the updates to the multi-family and commercial components of the fee. Tonight, we are bringing forth those increases. I would also like to increase

the utility water shut off fee from \$35 to \$50 to bring it more in line with what other cities are charging. These fees would go in effect on July 17<sup>th</sup>, 2023.

Thoreson: Effective July 17<sup>th</sup>, is there something special about July 17<sup>th</sup>?

Warren Wilson, City Attorney: Under state law impact fees can't take effect any sooner than 30 days after the update.

### Testimony

In Favor – None

Neutral – None

In Opposition – None

**Public Hearing closed at 6:10 pm.**

### Discussion

Jacobson: I have had a concern expressed to me about the calculation for the impact fees. I do not want to change anything tonight. But I will have questions in the future on how this is calculated.

Wilson: We have a Resolution under unfinished business to adopt the impact fees.

Thoreson: Raising the water disconnect fee from \$35 to \$50, would this be considered in the fee schedule?

Faulkner: That was not on the list because the meat and potatoes was the impact fees and the water disconnect was just one.

Wilson: we may revisit that, the agenda does not list that item, it only lists the impact fees. You may see that one coming back.

**There is a Resolution in the Unfinished Business section of the agenda for approval or denial for this.**

- b. Comprehensive Plan Amendment – Additional Clarifying Language Related to Focus Area Description.  
**To Be Continued to July 5, 2023, at 6:00 p.m.**
- c. Millsap Landing Annexation File No. ANN-22-16.  
**To Be Continued to June 15, 2023, at 5:30 p.m.**
- d. Housing Company Zone Change File No. ZC-23-1  
**To Be Continued to July 5, 2023, at 6:00 p.m.**

### 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. Tertiary Treatment Upgrade – Special Inspections, Request for Increase of Contract Amount  
Andrew Arbin, Projects Division Manager presenting: The construction of the Tertiary Treatment Upgrades requires the inspection and oversight of materials and installation of components related to the construction of the project. In September of 2022, Council approved staff's recommendation to increase Allwest's contract. At the time, the cost of this increase included the services estimated

to complete the work elements of the project, primarily, paving, fire blocking, compaction testing and misc. bolting and welding. Testing and inspection services continue as a result of the overall delay in the completion of the project. While the delayed completion is extending the duration of construction work, the changes in work sequence tend to result in a decrease of efficiency as it pertains to inspection and testing of work. Provisions in the construction contract allow this flexibility or resequencing and is considered a contractor's means and methods in accomplishing work. While the project team continues to seize opportunities to streamline inspection and testing services, this request for increase also includes the necessary services related to known change orders to-date. These changes were not captured in Allwest's original agreement or as part of the previous request. Where reinspection and quality control are concerned, the city and the contractor have established a method to track and bill related services directly to the appropriate entity for those specific instances. This request is for an additional \$21,100. The adjusted value of Allwest's contract with all approved changes to-date will become \$182,071.20.

Mayor: Where are we on the percentage of completion on the tertiary treatment portion? It seems like we have been talking about tertiary treatment for 3 years.

Arbini: 2 ½ and we are going on 3 years. The last time I was at Council a few months ago we were at about 8 million of a 40 million project.

**Motion Thoreson to approve the Tertiary Treatment Upgrade – Special Inspections, request for increase of contract amount.**

**Second by Walker.**

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

**Motion Carried**

b. Resolution – Impact Fee 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 cost 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.

**Motion by Thoreson to approve the Resolution Impact Fee Update and to direct the clerk to assign the appropriate number.**

**Second by Walker.**

**Vote: Malloy-Aye, Walker-Aye, Ziegler-Aye, Thoreson-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. 12<sup>th</sup> Ave Force Main Phase 1 – Authorization for Pre-Construction Services
- b. 12<sup>th</sup> Ave Force Main Phase 1 – Authorization for Design and Bidding Services

Jaxon Fleshman, Project Manager presenting: This will be covering both items. The 12<sup>th</sup> Ave project was identified in the 2018 Collections Master Plan. A diversion study, performed by Keller Associates, confirmed an option to construct the first mile of force main with an interim discharge in the vicinity of Sugar Maple Trail and 12<sup>th</sup> Avenue. We decided to go the two-consultant approach. Keller has familiarity with the project and our Master Plan because they are the ones who did it. JUB, the city was impressed with their public involvement plan. JUB is also familiar with the city, how we work, and our facility. Keller's contract would be for \$72,135 and JUB's contract would be for \$21,000 both with a 10% contingency. We will return to Council for the construction phase. We estimate this will be completed by 2024.

**Motion by Malloy to approve the 12<sup>th</sup> Ave Force Main Phase 1 – Authorization for Pre-Construction Services and the 12<sup>th</sup> Ave force Main Phase 1 – Authorization for Design and Bidding Services.**

**Second by Walker.**

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

Mayor: Just so you know, and I have really strong feelings what the topic is tonight because I received a letter. This is not something city law handles, it is State and Federal. We do not want to come across as not listening to you. I read the letter and understand the concerns, but we cannot as a body violate State or Federal law. I will let one person speak on this topic.

Chris Tiffany: Spoke about a Drug Rehab Facility that is going in in the Montrose Development. He spoke about the owner and the problems for the community and City this will create.

**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: School is out, and the weather is warm, kids are going to be out. Please watch out for them.  
Thoreson: Congratulations to Kim Brown who was awarded the Esto Perpetua award for historical preservation.  
My other comment is any City Council meeting where we have this many people in the audience is a really good meeting.

## 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 6:32 PM**

  
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Ronald G. Jacobson, Mayor

  
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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"