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**CITY COUNCIL  
MEETING MINUTES**

**June 15, 2023  
5:30 PM**

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

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**REGULAR MEETING – 5:30 pm City Council Chambers**

**CALL TO ORDER BY MAYOR JACOBSON**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF CITY COUNCIL MEMBERS**

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

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:**

**ACTION ITEM**

- a. City Hall and city business offices will be closed Monday, June 19<sup>th</sup> in observance of Juneteenth and Tuesday, July 4<sup>th</sup> in observance of Independence Day. Police, fire and rescue services for life-threatening or in-progress emergencies may be reached by calling 911. The Police Department will be open for walk-in emergencies. For Water Department emergencies call 208-773-3517.
- b. The first City Council meeting in July will be Wednesday, July 5<sup>th</sup>, due to the 4<sup>th</sup> being a holiday.
- c. The Parks & Recreation Department is hosting the first movie in the park of the season on Friday, June 23<sup>rd</sup>. The movie Luca will be playing at Tullamore Park starting at sunset.

**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 – June 6, 2023, City Council Meeting
- b. Payables – May 29, 2023 – June 7th, 2023
- c. April Cash and Investments
- d. Avista Agreement with the Police Department to Pay Overtime for Officers Help Reducing Trespassing on Avista Property
- e. Public Shuttle Services Agreement Between Kootenai County Public Transportation Citylink and Post Falls Park & Recreation for Shuttle Service during the Post Falls Festival.

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

**Second by Malloy.**

**Vote: Shove-Aye, Malloy-Aye, Borders-Aye, Ziegler-Aye, Thoreson-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. Millsap Landing Annexation File No. ANNEX-22-16

**Public Hearing opened at 5:34 pm.**

**Staff Report**

Jon Manley, Planning Manager presenting: City Council is being requested to approve the annexation request with the zoning designation of Single Family Residential (R-1) on approximately five acres. The Planning and Zoning Commission forwarded a recommendation of the requested R-1 zoning. The conditionally approved subdivision plan is for 18 lots in the range of 7,221 to 12,995 sf. There will be a north/south connection of Neptune Dr. The subject property is located south of E. Bogie Dr. and between N. Greensferry and N. Cecil Rd. This request is in compliance with the Future Land Use Map.

Ziegler: On the south end of the project will we be obtaining the eastern ROW.

Rob Palus, Deputy City Engineer: We will have them put in the road, but we will block it off until the parcel to the east comes into the City.

**Applicant**

Ray Kimball, Whipple Consulting Engineers: The zoning is the same as the adjacent properties to the south and west, it fits the future land use map, and complies with the City's transportation and sewer master plans. The R-1 zoning is supported by the comprehensive plan as described in the narrative and in the staff report. The proposed R-1 zoning is surrounded by residential uses and is

approximately ½ mile from the higher intensity highway 41 corridor. The property is shown as residential on the Future Land Use Map, which is consistent with the R-1 zoning request. The proposed R-1 zoning designation meets many of the goals and policies found within the comprehensive plan as described in both the project narrative and the staff report.

### Testimony

In Favor – None

Neutral – None

In Opposition

Kathy Mills (Post Falls) – Those of us who live in homes in the surrounding neighborhoods between Poleline Ave., Bogie Dr., Greensferry Rd., and Cecil Rd. do not have access to a park for our children. We currently have 25 to 30 children, and the closest park is Tullamore (.6 mile) and Syringa Park (1.3 mile), and to get to these parks our young children would have to cross Cecil Rd. or Greensferry (both busy roads). This is just considering Wrenley Estates, there are many others that would benefit from this Millsap Landing project to instead become a park and common area for us to enjoy. As building developments proceed, traffic is increasing, yet safe places to ride bikes, play games, skateboard, roller blade, take walks, throw frisbee, play softball, or volleyball have decreased. As more families move in, the need only grows. The lots of the homes are too small for most of these activities forcing children out into the street or even into a neighbor's property. We would like to suggest that this piece of property be considered by the city, or as it stands the county, as a perfect centrally located space to use for the betterment of the Post Falls Community. We sincerely thank Amber Blanchette, and all persons involved in City Planning.

### Rebuttal

Kimball: There is Tullamore Park just down the street from this on Bogie. The City has their own park acquisition plan.

**Public Hearing closed at 5:55 pm.**

### Discussion

Does annexation of this property make sense?

Malloy: I believe so. It is a county pocket.

Thoreson: It is surrounded by R-1 already

### Review Criteria

1. Amendments to the zoning map should be in accordance with Comprehensive Plans Future Land Use Map.  
Borders: it is R-1, and the map shows R-1.
2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.  
Thoreson: They are connecting neighborhoods, absolutely.  
Malloy: It fills in county pockets.
3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.  
Malloy: Bogie is a minor collector and more than capable to handle the traffic. Everything around there is R-1.

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. Ensure that adequate land is available for future housing needs.  
Malloy: It is a fair distance from 41 and Seltice.
6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.  
N/A

**Motion by Malloy to approve the Millsap Landing Annexation File No. ANNX-22-16.  
Second by Ziegler.**

Malloy: I understand kids crossing busy street. We do not own the property and cannot tell them to turn it into a park. If the street crossing becomes a problem in the future, we will deal with that then.

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

**Motion Carried**

- b. Thompson/Satchwell N. Crown – Annexation and Zone Change with Potential Land Exchange File No. ANNX-22-14/ZC-22-7

**Public Hearing opened at 6:00 pm.**

**Staff Report**

Jon Manley, Planning Manager: The requested action is the approval of the proposed Land Exchange, North Crown Zone Change, and Thompson Satchwell Annexation. The Owner and Applicant is both the City of Post Falls and the Jacklin Land Company.

Land Exchange, John Beacham, Public Works Director: The City would convey to the Jacklin Land Company approx. 80 acres and \$2,179,187.50 and the Jacklin Land Company would convey to the City approx. 178.22 acres. This would be a net increase of approx., 98.22 acres of preserved open space for land application. The exchange is contingent upon completing the annexation with the requested zoning. The Water Reclamation Facility's long-term plan requires land application of recycled water to agricultural property and identifies the need for 582 "new" acres. The purchase would be funded from dedicated wastewater funds at a net cost of \$22,187 per acre. The WRF Master Plan calls for 582 acres. This acquisition would bring acreage to 314 of the 582.

Zone Change, Jon Manley, Planning Manager: The future land use map shows this area as Transitional. Within the residential mixed zone comes a development agreement that is recorded against the title. The majority is proposed as being a single-family residential area and are proposing about 5.8 acres of park/open space. At the northern end they are proposing 8.3 acres of multi-family with 1 acre of neighborhood commercial. The 41 north area focuses on provisions for multi-family, commercial, and tech uses near higher-classified roadways. The development should provide pedestrian connectivity to all multi-use paths and trails. Bodine will be developed to the south end of the school site connecting to Crown Pointe and Hayden.

**Applicant**

Tag Jacklin, Jacklin Land Company: I represent the 4<sup>th</sup> generation of the Jacklin Family and we have been involved in the Spokane Valley, Rathdrum Prairie, and surrounding areas for over 80 years. When Jacklin willing phased out field burning due to public pressure it was only a matter of time the Rathdrum Prairie would start to transform. Even though our business model changed over

time, our commitment to being good land stewards has not changed. I truly believe it is a win, win for our family, the city, and for the community.

Ray Kimball, Whipple Consulting Engineers: This is a unique opportunity for Public Works to obtain more property for the land app. There will be residential mix next to the School Site and along Highway 41 we will have some R-1, R-2, and CCM as well as adding 98 acres of preserved prairie open space. In concept only, we have 2 parks that total to about 5.8 acres. We intend to have local streets along the west boundary between the school site and this one. With Hayden being a major collector, we were very intentional on where we put the multi-family and commercial.

**Council took a 5-minute break starting at 7:22 pm and ending at 7:27 pm.**

### Testimony

#### In Favor

Tom Stoesser (Post Falls): The City benefits from this land swap by gaining 98 acres of additional public reserve. The Post Falls School District benefits from this land swap by getting sewer to their future school site.

Dena Naccarato, Post Falls School District Superintendent: The school district owns 70 acres next to this land. The Jacklins have given the school district a good faith letter saying it will provide connection to water, sewer, gas, power and telecom and will stub out these utilities for the school. The school district does not collect impact fees. We are in support of this project.

Jenn McGuire (Post Falls): Gives City 98 acres of preserved prairie land, additional commercial/retail, which the city needs for economy growth.

Wade Jacklin (Coeur d' Alene): I am part of the 4<sup>th</sup> generation Jacklin. We as a family worked hard to bring the vet home here. We are very eager to see this happen. The price for the land is a bargain for the City.

Eric Gonzalez (Post Falls): Gives city 98 acres of preserved prairie land.

Sam Johnson (Post Falls): I think the City of Post Falls is getting the better end of the deal, coming out with an extra 100 acres and consolidating development into the Crown Point area. Absolutely support and recommend approval.

Will Clark (Coeur d' Alene) In support not speaking.

Amic Pace (Coeur d' Alene): Support Annexation and land exchange. City will gain 98 acres in this exchange, that land preserves prairie land.

Duane Oldusr (Post Falls): The future growth of Post Falls will benefit from the actions this addressed.

Maggie Lyons (Hayden): I am here representing the Panhandle Affordable Housing Alliance. It is a great land swap and will also provide solutions for worker housing. Lost cost housing will be preserved through deed restrictions.

#### Neutral

Alan Wolfe (Post Falls): Part of this I really support and part I don't. I support on the land swap. What I don't support is the Thompson piece that would create an island of residential at the corner of Hwy41 and Hayden. I am asking the Jacklins if they would take that out of this decision. It does not fit. It is far away from fire, police, and no parks. We have a lot of land already annexed and waiting for development. Let's wait and see what happens out there and then zone it accordingly.

#### In Opposition

Kerry Couch (Post Falls): We are asking for a postponement, so we have more time to work with the groups involved to have some input on this. your rules say it has to be like for like. I say this is a

negative. You do not want houses upon houses, it is a mess. When I bought my house, I was told the property behind me was owned by the City and zoned for public reserve. I did not think you would change it so fast. The infrastructure is not good. It has taken me a long time to find a doctor but have to go to Spokane and my appointment is not till Mary 2024. There is not enough infrastructure in place.

Valoree Hamilton (Post Falls): What is the price point for the new homes in this development? Where is the affordable housing. I now could not afford the house I have if I bought it today. The traffic on Spokane St at the apartments, with the apartment parking on the street makes the street too crowded.

Katrina Schultz (Post Falls): I feel that this would be opening up to heavy ciaos and crime. We already have extremely heavy traffic and cars speeding. This would not be good for Crown Point.

Teresa Goodall (Post Falls): not wanting to speak.

Samantha Steigleder (Post Falls): I request that the public get access to the plan before the meeting. do we really need to annex more land at this time? If we are short on our water reclamation needs, why would we be annexing more land for housing in? We should slow this. How does this benefit the public. I would really love a public pool in the area. Leaving the land open is more benefited to the school.

Travis Bab (Post Falls): I am opposed to the extension of Spokane St to Hayden Ave. I have 2 young children. I moved into a quiet neighborhood where there was a park across the street. Now it is dead ended. There are already motorcycles and cars speeding on the dead-end street. I have reported this several time . If the Police even show up, they are too late. They can't even police what is out there now.

Jean Walker (Post Falls): I am part of the Crown Pointe HOA board. As democratically elected persons to represent this community as you all are to this city, we adamantly oppose any approval for, or development to, the Thompson/Satchwell annex. The HOA's position remains in opposition to this development, and we intend to use whatever process we can to communicate and advance this dissenting stance to this development. We also oppose any further residential expansion at this time not yet approved in the city of Post Falls. Our basis for this opposition is logical, based on fact and evidence, and is prudent. Approving such a development is in defiance of responsible government, reasonable growth, and is in direct conflict with public safety. Currently, our police, medical, and fire services for the city are not able to provide services at a reasonable level. Using the police as an example, you currently have 2-3 cars working for a whole shift for the police department to cover the whole city. The department is not able to address issues of public safety, more or less matters of city code infractions to matters involving traffic safety and impedance. The City cannot retain officers, more or less adequately train new hires and this has been a continual issue for years. Current city residents and taxpayers have approved new fore service infrastructure and you are years behind to get your fire service needs up to a level that can handle the current residential population. Adding to this population by approving this development causes more risk to current residents and more strain on your abilities to provide services. Members of this board as well as our management companies have been in communication with city counselors, members of city departments, and others in order to try and interface and partner to fix issues that we have come to our attention that we have no jurisdiction over. Many of these are about city specific factors and code related matters that directly impact the health, welfare, and safety of residents. What we have received is incomplete fixes, promises for follow-up, and absences in response. The inability for the city to provide reasonable services to our community is unacceptable. We can only expect a further erosion of our service level and our community, as this continues, and then worsens, as further developments to include the Thompson/Satchwell annex are approved. You as city councilors also are not properly acting to adequately address and adjust the size and function of your city

departments more or less public safety departments to a reasonable level. All the while, you refuse to pass laws, make rules, or seek the proper education and options to do so; in order to slow down and control developments and growth in this city and address gaps in city resources and services. Approving any further developments including this one we are opposing today, depletes and strains city resources further, and places the residents currently paying taxes in this city in more harm, and a tax burden for services they do not receive. Furthermore, approval of the Thompson/Satchwell development and future developments places even further demand, backlog, and delays in many city departments which currently are at an inadequate level of operation. Our community is already seeing its wear and tear by the shoddy work done and permitted because city officials failure to properly police developer's actions, works, and documents. The city has allowed developers to hold HOAs hostage in their established governing documents of the development, long after the developers have their money and are gone, the development's residents and members are unable to make changes in order to address the issues within their communities. This city has permitted the use of inferior materials and how they are used for such things as sidewalks, curbs, etc. that corrode and decay within 1-2 years and long before what is expected. Developers also are permitted to make deals with multi-family home investors, so they are not any way tied to, or part of the HOA subdivision that they are built in, and therefore void of any sort of regulatory control of the HOA. All of these issues lie with you and the departments you govern to assure residents live in quality communities and can work democratically to address what they would like in their communities. While we hope you are a body scrutinize and investigate so all such things are avoided in the future, we are unaware of any action taken to mitigate these issues and therefore oppose these developments approval on these bases as well. We want to make it clear that we support public safety personnel and departments without hesitation. The issues we address in this letter are not their issue, and we know this. we cherish and respect them and many live in our community. We also want to make it clear that the trust in any developer by what is evident in our community and others in the city and the county is eroded. Furthermore, the lack of action in order to govern and control or halt growth appropriately by our city and county's leaders is long in need of change. We demand that starting now, demonstrated by you not approving any development of the Thompson/Satchwell area, or any others.

Lacey Green (Post Falls): When did the last hydrologist test the aquifers water table? What will be the process of introducing new addresses? We have already had to change addresses multiple times. What a mess. Highway district has had nothing to do with N. Spokane St. in the past 20 years.

Mitch Eagar (Post Falls): N. Crown Annexation will make Spokane St. a major arterial through an existing subdivision and right by the heavily used park at the center of Crown Pointe, putting residents at risk.

### **Rebuttal**

Kimball: One of the biggest problems in a community is affordable housing. The best way to combat that is to offer a variety of housing options. We are not committing to the type of build yet, but with the verity of zoning we can. Is this the right time? It may not make sense now but will in the future. The land exchange is good proper planning for the future of the wastewater plant. Neighborhoods by schools is good planning. Kids can walk or bike to school. This is a great opportunity for the City.

**Public Hearing closed at 8:31 pm.**

### **Discussion**

Warren Wilson, City Attorney: We are going to do this in three parts. First do we go forward with the land exchange? Then do you want to do the annexation, and then the zoning. Is the proposed land exchange in the City's best interest?

Thoreson: Yes, it is, and I would define it is more in the City's and the citizens best interest and not the developer.

Malloy: Treating our wastewater is one of the biggest things we do.

Mayor: The comment was why do we need it? it is proper planning.

Ziegler: Serving the City's wastewaters need is planning for the future. To wait for the need to be now is just foolish. We may never see an opportunity like this again.

Borders: There is no question it is in the best interest. The prairie is evaporating.

Shove: It is critical. The timing and price are right.

**Motion by Thoreson to proceed with the land exchange.**

**Second by Malloy.**

**Shove-Aye, Borders-Aye, Ziegler-Aye, Malloy-Aye, Thoreson-Aye**

**Motion Carried**

Wilson: Is it in the City's best interest to move forward with the two annexations?

Thoreson: I would be inclined

Ziegler: I am not in favor in annexing land just to annex it. We have shown it makes sense.

Borders: I agree. The only part questionable it parcel 5 by the tech park only because nothing is happening in the tech park.

Shove: Parcel one there is some concerns but am ok with it. Parcel 5 I am not in support.

Malloy: Parcel one is already in the city.

Shove: My concern is parcel 5.

North Crown Point Zone Change

Review Criteria

- c. Amendments to the zoning map should be in accordance with Comprehensive Plans Future Land Use Map.

Malloy: It fits the focus area providing different housing types.

- d. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.

Ziegler: Yes, it is consistent with the Comprehensive Plan.

- e. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Malloy: Hayden Ave can handle the traffic.

Ziegler: My hesitation is Spokane St. going through the neighborhood.

- f. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Borders: It is and arterial so yes.

- g. 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.



Malloy: I can go with it.

- h. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

N/A

**Motion by Malloy to approve the North Crown zone Change.  
Second by Ziegler.**

Malloy: The benefit of the overall changes we are talking about tonight is great. Everyone will benefit from this. It will affect the people in Crown Pointe. 10 to 11 years ago when Crown Pointe came before us, we saw people along Prairie come in with the same issues and they were talking about your homes. There were some lessons learned. We learned that SmartCode is no good for our town. I do feel for the people whose houses border the City land. Nothing is permanent. But I feel for you.

Mayor: I do take some acceptations to parts of the HOA letter. It said Post Falls is not policing its neighborhoods. My wife and brother-in-law are building some duplexes. We have had to redo things because the stair was 1/8" too high, or a window was 1" too high. We have had to do compaction testing time and time again. The City polices the developments. I look at the crime reports every week. We have been successful in retaining our officers and support the police in the budget process.

Thoreson: We do listen, and we live here too. The point being things are going to change. It is not just the houses and roads I look at but the people we get to meet.

Ziegler: One of the big parts of this is the support of the school district.

Thoreson: I have never seen a School Superintendent come to a meeting in favor of a development or not in favor.

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

**Motion Carried**

Public Reserve Annexation

Review Criteria

- i. Amendments to the zoning map should be in accordance with Comprehensive Plans Future Land Use Map.  
All said yes.
- j. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.  
Thoreson and Borders said yes.
- k. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.  
Thoreson said yes.
- l. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.  
N/A

- m. 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
- n. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.  
N/A

**Motion by Malloy to approve the public reserve annexations.**

**Second by Thoreson.**

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

**Motion Carried**

Mixed use parcel along HWY41 area 5.

Review Criteria

- o. Amendments to the zoning map should be in accordance with Comprehensive Plans Future Land Use Map.  
Malloy: Yes, commercial high density along HWY41 and Hayden
- p. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.  
Malloy: Yes, this allows for a variety of housing types and commercial development has an economic benefit.
- q. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.  
Malloy: The street classifications are more than adequate.
- r. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.  
Borders: It is along HWY41.
- s. 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.  
Malloy: Looking at the proposal it follows this.
- t. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.  
N/A

**Motion by Malloy to approve the annexation of the south piece and to direct staff to prepare a reasoned decision consistent with this motion.**

**Second by Borders.**

Malloy: There is the tech park to the south. I know not much is going on now but with the proposed development it makes sense. I do not think it is incompatible with the master plan.

Shove: I echo the same things. As I thought about it more, I am ok with it more.

Malloy: The fact the development says they will not build there for 5 years or when the 41 interchange is done answers my issues.

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

**Motion by Thoreson to place the Ordinance D-Bat Facility Zone Change File No. ZC-22-6 on its first and only reading by title only while under suspension of the rules.**

**Second by Borders.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION FOR THE LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM HEAVY INDUSTRIAL (HI) TO INDUSTRIAL (I); PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING THAT ALL PRIOR ZONES APPLICABLE TO LANDS DESCRIBED IN SECTION 1 ARE HEREBY SUPERSEDED; AND PROVIDING AN EFFECTIVE DATE.

**Motion by Thoreson to approve the Ordinance D-Bat Facility Zone Change File No. ZC-22-6 and to direct the clerk to assign the appropriate number and that it be published by summary only.**

**Second by Borders.**

**Vote: Borders-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye, Shove-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. 190 SH-41 Interchange (project A02(442)), City – ITD Cooperative Construction Agreement Rob Palus, Deputy City Engineer: The Idaho Transportation Department (ITD) is in the process of constructing a new 190-SH41 (Exit 7) Interchange. Construction started in the fall of 2022 and is estimated to be completed in 2025. The project impacts City streets, modification of traffic signals and City Utilities. To address the impacts to the City's system, a Cooperative Construction Agreement has been negotiated between ITD and the City over the past 8 months. Major items of

work that involve City Financial participation have a total estimated cost of \$1,192,151.65 and include:

- Mullan Ave./SH41 traffic signal - \$493,839.00
- Water line relocations and modifications - \$637,153.75
- Sanitary sewer modifications - \$31,350.00
- Centennial Trail revisions - \$29,808.90

The Cooperative Construction Agreement outlines the expectations and financial responsibilities of both parties related to construction of the project. The Cooperative Construction Agreement identifies that the City will commence payment of the \$1,192,151.65 to the State within 90 days of execution of the agreement via a mutually agreeable payment schedule. Staff is proposing the payment to occur within FY2023 budget. Budget amounts shown below allow for contingency. Development of this agreement has involved staff input and representation from Community Development, Public Works, Parks & Recreation, Finance and Legal Services.

**Motion by Thoreson to approve the I90 SH-41 Interchange (project A02(442)), City – ITD Cooperative Construction Agreement.**

**Second by Ziegler.**

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

**Motion Carried**

b. SH-41 Seltice Way to Hayden Ave City – ITD Memorandum of Understanding  
Rob Palus, Deputy City Engineer presenting: In 2022, the City entered into a Memorandum of Understanding (MOU) with the Idaho Transportation Department (ITD) for the SH-41 widening from 12<sup>th</sup> Ave. to Hayden Ave. The MOU identified particular maintenance functions to be performed by the City and the State. With the reconstruction of the I90/SH-41 interchange, a MOU is needed to cover the sections of SH-41 from Seltice Way to 12<sup>th</sup> Ave. and the portion of the I90 Business Loop that exists at the intersection of SH-41/Seltice Way. To reduce the number of agreements, ITD and the City worked to combine the 2020 MOU with the work that is currently under construction. This MOU has been negotiated between ITD and the City over the past 8 months. In general, the City is responsible for:

- Maintenance of the SH-41 trail from Seltice Way to Hayden Ave.
- Electrical costs for four of the eight traffic signals within the corridor. The City was previously responsible for nine traffic signals.
- Electrical costs of roadway illumination outside the States right-of-way. The City was previously responsible for electrical costs or roadway illumination within the States rights-of-way along SH-41.
- Roadway markings of City streets within the ITD right-of-way.
- City can delegate maintenance of improved roadsides to adjoining property owners with separate agreement with the State.

Development of this MOU has involved staff input and representation from Community Development, Public Works, Parks & Recreation, and Legal Services.

**Motion by Thoreson to approve the SH-41 Seltice Way to Hayden Ave City – ITD Memorandum of Understanding.**

**Second by Malloy.**

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

**Motion Carried**

c. Resolution for Sole Source Determination and Purchase of Water Reclamation Service Truck John Beacham, Public Works Director presenting: The Water Reclamation Division uses a service truck to provide required maintenance at various locations in the collections system and at the treatment facility. Replacement of the current 2013 F550 was approved for the FY23 budget. The existing vehicle is currently in operation but has reached a point of decreased reliability. A search has been conducted for a medium duty truck with a service box and a crane of sufficient capacity to meet the needs of the water reclamation system. Lead times for new vehicles and a subsequent crane build and installation are approximately 12 months. More timely replacement of the vehicle will ensure availability to address issues within the water reclamation system. A suitable new model year 2022 truck is available from Knudtsen Chevrolet. Staff inquired with other local dealers, including vendors who provide complete service truck packages, and found no other vehicles available with a shorter timeframe. Due to the model year of the identified vehicle, it is not expected that any future purchase through traditional bidding processes would result in a lower cost. Staff requests authorization to purchase this vehicle directly, after the appropriate sole-source public notice process has run. Funds for this purchase would be from the budgeted Water Reclamation vehicle purchase allocation for FY2023. The cost of the vehicle is \$175,836.00.

WHEREAS, the city operates a water reclamation facility and wastewater collection system, which occasionally needs critical maintenance; and

WHEREAS, the maintenance of that system is best performed using a reliable service truck; and

WHEREAS, the existing service truck has reached the end of its useful life; and

WHEREAS, Knudtsen can provide a service truck that meets the city's needs within an acceptable timeframe; and

WHEREAS, Idaho Code 67-2808 authorizes a sole source procurement when the City Council determines that competitive solicitation is impractical, disadvantageous, or unreasonable under the circumstances.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Post Falls: that based on the information compiled by the city Public Works Department, there is only one vendor from which to procure the necessary equipment and capabilities. It is in the best interest of the city of Post Falls to purchase the service truck as a sole source procurement, as competitive solicitation would be impractical, disadvantageous, or unreasonable under the circumstances. The City Clerk is authorized to have notice of the intent to purchase the equipment as a sole source procurement published in the official newspaper at least fourteen (14) calendar days prior to the city entering into a contract with Knudtsen.

**Motion by Thoreson to approve Resolution for Sole Source Determination and Purchase of Water Reclamation Service Truck.**

**Second by Malloy.**

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

**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):

**None**

### ADJOURNMENT 9:22 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”