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**CITY COUNCIL  
MEETING MINUTES**

**July 5, 2023  
6:00 PM**

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

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**WORKSHOP – 5:00 pm Basement Conference Room**

**ROLL CALL OF CITY COUNCIL MEMBERS**

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

Topic: FY24 Budget Workshop

**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:**

**ACTION ITEM**

- a. The Post Falls Festival is this Friday thru Sunday at Q'emiln Park. Enjoy live music, food and craft vendors, a movie in the park and much more. A full schedule of events is listed online at [postfalls.gov](http://postfalls.gov).
- b. The Festival parade is Saturday, July 8<sup>th</sup> at 10 am. The parade will be traveling eastbound on Seltice Way, from Spokane to Idaho Street.
- c. The River City Market & Music series kicks off Wednesday, July 12<sup>th</sup> at 5:30pm. This weekly farmer's market & concert series will run every Wednesday evening from July 12<sup>th</sup> thru August 16<sup>th</sup> at the Post Falls Landing Park, adjacent to Fall Park. This is a free, family friendly event for the community to enjoy.
- d. Avista Gas Facility Replacement Project: An overview of what the gas line replacement project will look like this summer.

**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 15, 2023, City Council Meeting
- b. Payables – June 12, 2023 – June 26th, 2023
- c. May Cash and Investments

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

**Second by Borders.**

**Vote: Shove-Aye, Walker-Aye, Malloy-Aye, Thoreson-Aye, Borders-Aye, Ziegler-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. Comprehensive Plan Amendment – Additional Clarifying Language Relating to the Focus Area Description

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

### Staff Report

Jon Manley, Planning Manager: Post Falls is a highly diverse place, with many areas – in and out of City Limits – that have yet to be developed. For this reason, this plan provides both a Future Land Use Map and a "Focus Area" map with descriptions that articulate, in ways the land use map cannot, the overall vision for what Post Falls expects from each area within its Area of City Impact. These two approaches are to be used in tandem, effectively expressing the City's policies for its rapidly transforming landscape. The outer boundaries are representative of the Focus Areas and are not intended to be definitive. Focus Area boundaries on the periphery of the map extend to the City's Area of City Impact boundary, including those areas contained within the Shared Tier Area of City Impact. These areas include the West Prairie, Central Prairie, 41 North, and East Prairie Focus Areas.

### Testimony

In Favor – None



Neutral – None  
In Opposition – None

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

**Discussion**

**Motion by Thoreson to approve the Comprehensive Plan Amendment – Additional Clarifying Language Relating to the Focus Area Description and bring back a resolution.**

**Second by Borders.**

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

**Motion Carried**

b. Housing Company Zone Change File No. ZC-23-1

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

**Staff Report**

Jon Manley, Planning Manager: Nate Wheeler representing The Housing Company, has requested on the property owner's behalf, The Society of St. Vincent DePaul, approval to rezone approximately 1.16-acres from a mix of Medium Density Residential (R-2) and Community Commercial Services (CCS) zoning to the SmartCode 5 (SC%) zoning district to construct a mixed-use multifamily community. The current land use is an older vacant commercial building as well as older multi-family housing with some tenants currently in them. There are amenities along Seltice, Spokane St and south along 7<sup>th</sup> that are within walking distance to this site. There is a bus route north of this site off Spokane St. Seltice Way is classified as a principal arterial roadway.

**Applicant**

Nate Wheeler, The Housing Company: The Housing Company is a nonprofit organized in 1990 with the mission to address the concern of an inadequate supply of affordable, decent rental housing within the state of Idaho and recently surrounding states. Our goal is to partner with local government and other interested parties to solve local housing needs. There are currently 7 buildings on the lot and 4 of them have basements, if we were to develop all building will be removed, engineered fill would come back in and compaction levels and we would rebuild over the top cleaning up this site. The top right corner of this lot, there are 3 fuel tanks that have been closed by DEQ back in 1993 and are still there. With environmental reviews we will determine whether to remove them or leave them. What we are proposing and with the parking requirements we feel pretty confident that everything will work.

Malloy: There is already a stop light at Compton, why not have the egress on Compton and guide people to that light rather than the uncontrolled intersection at Cathleen?

Wheeler: Catherine is a wider street, but if we need to switch the entries we would need to get back with the architects.

Borders: What about the residents that are there now.

Wheeler: We are in discussion and there might be something of a relocation to one of their other properties.

**Testimony**

In Favor

James Casper (CdA): I am the Executive Director of Habitat For Humanity. Affordable housing is greatly needed. At our location in Hayden, we have 32 spaces, but it works. If you go anytime of the day, it works. People adjust to what is there. Standards and not the thing that makes everything work. Let people make the small bet on this project and make it work.

Christina Petit (Post Falls Chamber): The Chamber is in support of this zone change and in support of workforce housing.

Mark Woodworth (Hayden): St Vincent is one of the truly beneficial non-profits in our community. They do not give a handout but a hand up. I full believe St Vincent is the organization to take on affordable housing. Employers are struggling to find employees because they cannot afford housing here. St Vincent has a proven track record.

Neutral

Samantha Steigleder (Post Falls): My questions pertain to parking. 17 additional parking spots does not seem like enough.

In Opposition: None

### Rebuttal

Wheeler: The 32 units would be adding 17 more vehicles due to our research. We will have ample parking spaces with the on-street parking included.

Malloy: When the thrift store was there, was there any study done on the traffic then?

Wheeler: No there was not. We will also be cleaning up the access points on Seltice.

Ziegler: Do you have a ballpark figure on the size of the units that would be available?

Wheeler: We have all different sizes from 620 sq. ft. to 1,200 sq. ft. we will be following Federal guidelines on what the rents would be.

Shove: With the other apartments you have, how long do you see the tenants stay?

Wheeler: We see them staying for a longer period of time, they are not transient. Our rent increases are much smaller, and we have to get them approved by the housing authority. So, people become vested in the community.

Thoreson: Have you done projects that have the commercial aspect like this?

Wheeler: I cannot say that we have, I would have to get back with you.

Shove: Are we incentivizing them to stay in the lower bracket?

Wheeler: There are IRS regulation that we have to follow and there is nothing we can do to move them up brackets.

**Public Hearing closed at 7:06 pm.**

### Discussion

#### Zone Change Criteria

1. Consistent with the Future Land Use Map.

Malloy: The whole focus area is commercial and industrial.

2. Consistent with the Goals and Policies found in the Comprehensive Plan.

Thoreson: Balance of housing, encouraging density housing.

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

Thoreson: Seltice is a principal roadway.



Malloy: I use that area to bypass traffic and the road is never busy and can handle an increase.

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

Walker: It is a primary arterial

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

N/A

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

N/A

Ziegler: I think this is an excellent project for that location.

**Motion by Thoreson the Housing Company Zone Change File No. ZC-23-1, finding that it meets the zoning review criteria, follows municipal code as outlined in our deliberation and to direct staff to prepare a reasoned decision.**

**Second by Malloy.**

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

**Motion Carried**

- c. Nagra Annexation File No. ANNX-22-11

**Public Hearing opened at 7:15 pm.**

### **Staff Report**

Jon Manley, Planning Manager: The applicant is Connie Krueger, and the owner is Ranvir Nagra. The requested action is to approve the annexation of approximately 2.64 acres into the City of Post Falls and assign the zoning designation of Community Commercial Services (CCS). At their 12/13/22 the Planning and Zoning Commission recommended the CCS Zoning. Currently it is an underdeveloped county lot. The West Prairie areas may warrant commercial use consideration if adjacent to arterial/collector streets where traffic volume exceeds 4,000 vehicles per day. Improved roadways with development create safer conditions for both vehicles and pedestrians and possibly increase access for emergency vehicles. With a planned high school nearby and residential mixed zoning in the city to the west, commercial lands within an identified commercial node may add to the vibrancy of the area of Post Falls. This will encourage a balance of land uses to help Post Falls remain a desirable, stable, and sustainable community.

### **Applicant**

Not present

### **Testimony**

In Favor – None

Neutral – None

In Opposition – None

**Public Hearing closed at 7:30 pm.**

### **Discussion**

Does this make sense to annex?

Borders: The development agreement says time is of the essence on this annexation. My question is why because sewer is not going to be there for quite some time, we don't even have a lift station there yet. The annexation does make sense.

Manley: That is boiler plate language in the agreements.

#### Zoning Criteria

1. Consistent with Future Land Use Map.  
Malloy: Commercial in a commercial node.
2. Consistent with Goals and Policies found in the Comprehensive Plan.  
Ziegler: Creates opportunity in a commercial node.  
Malloy: Provide pedestrian connectivity.
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: Street classification can handle it.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.  
Borders: McGuire can handle it.
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.  
Malloy: Right now, there is not a lot out there.
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 Thoreson to approve the Nagra Annexation File No. ANNX-22-11 and have staff prepare the final ordinance for annexation.**

**Second by Malloy.**

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

**Motion Carried**

**Motion by Thoreson to approve the zone CCS the requested zoning for Nagra Annexation File No. ANNX-22-11, finding that the zoning meets the zoning criteria in the Post Falls municipal code as outlined in our deliberation and to have staff prepare a reasoned decision.**

**Second by Malloy.**

**Vote: Thoreson-Aye, Borders-Aye, Ziegler-Aye, Shove-Aye, Walker-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. Corbin Lift Station Replacement – Recommendation of Award



Jaxon Fleshman, Project Manager, Projects Division presenting: Bids were opened for the Corbin Lift Station Replacement project on June 8<sup>th</sup>, 2023. The City received four bids, with LaRiviere having the apparent low base bid of \$1,236,702.50 and Add Alternate No 2 in the amount of \$378,749. Total award is in the amount of \$1,615,451.50. The engineer's estimate for construction is \$1,760,100. Following review, Welch Comer and City Staff recommends the award to LaRiviere. The Corbin Lift Station was originally constructed in 1987 and is identified as needing significant upgrades in the 2018 Collections System Master Plan. The City contracted with Welch Comer Engineers for the design and construction management of the lift station replacement in March 2022. Rehabilitation of the facility was not feasible, and the replacement of the lift station was recommended by Welch Comer. This project will be a complete replacement, with notable upgrades, such as the addition of an emergency storage structure and increased capacity to handle future build out. An opportunity to purchase the additional property and construction easement adjacent to the site, was a consideration in prioritizing this project for 2023 construction. Completion of the lift station is anticipated by the end of year 2024 and includes an optional and defined shutdown intended to mitigate a delay in the procurement of material and electrical equipment needed to bring the facility into operation.

**Motion by Malloy to approve the Corbin Lift Station Replacement – Recommendation of Award.**

**Second by Borders.**

**Vote: Borders-Aye, Ziegler-Aye, Shove-Aye, Walker-Aye, Malloy-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. Ordinance – KCFR & KCEMSS Impact Fee Update

Jon Manley, Planning Manager: The KCFR & KCEMSS impact fees are set only by being either a residential or non-residential use. This difference in the application of the impact fees has proven problematic. This city has not typically collected impact fees for items such as fuel stations, canopy covers, lift stations, other public utility structures, multi-family carports, etc. this amendment will allow us to collect impact fees consistent with the manner the city collects impact fees. The ordinance states that regardless of the methodology, the city will only collect impact fees for KCFR & KCEMSS when it collects its own impact fees.

**Motion by Malloy to place the Ordinance KCFR & KCEMSS Impact Fee Update on its first and only reading by title only while under suspension of the rules.**

**Second by Borders.**

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

**Motion Carried**

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO POST FALLS MUNICIPAL CODE 19.10.040 REGARDING THE IMPOSITION OF IMPACT FEES: PROVIDING FOR AMENDMENT TO POST FALLS MUNICIPAL CODE 19.10.050 REGARDING EXEMPTIONS;



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 Malloy to approve the Ordinance KCFR & KCEMSS Impact Fee Update and to direct the clerk to assign the appropriate number and that it be published by summary only. Second by Borders.**

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

- a. Idaho Code 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency.

**Motion Thoreson to enter into Executive Session pursuant to Idaho Code 74-206(1)(c), to acquire an interest in real property which is not owned by a public agency, further that no action will be taken during the session and the session will last no longer than 10 minutes. Second by Walker.**

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


**RETURN TO REGULAR SESSION 7:53 PM**



**ADJOURNMENT 7:53 PM**

  
\_\_\_\_\_  
Ronald G. Jacobson, Mayor



  
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Rhiannon O'Neill, Deputy 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"

