

April 25, 2022

T HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular Meeting at the Lewiston Library Second Floor Activity Room at 411 D Street. Mayor Johnson called the meeting to order at 6:00 p.m.

City Council meetings are recorded live. To view the full video, go to <https://livestream.com/lewiston/events/3725902>

COUNCIL MEMBERS PRESENT: Mayor Johnson; Councilor Blount; Councilor Forsmann; Councilor Kleeburg; Councilor Schroeder; Councilor Tousley.

COUNCIL MEMBERS EXCUSED: Council President Liedkie.

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Shirley Phillips, Cemetery and Urban Forestry Advisory Commission Chair, led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Mr. Ryan Horyza, Water Plant Operator and Union President for the AFSCME Technician's Union, said this is about the time that the Union and City staff begin contract negotiations. He said his group looks forward to these upcoming meetings, noting that the Union benefits both the employees and the City's daily operations.

Bill Arnold, Cross Connection Specialist, stated that he has been a Lewiston employee for 18 years, has gone through four City Managers and four Human Resources Directors, and has been involved in past negotiations. He stated he is hopeful the City will continue to negotiate another three-year contract for this Union group.

Johanna Musead Frank addressed the need for a warming shelter and a walking bridge in North Lewiston.

Maliik Prior stated he would like to see additional routes for public transportation, along with a homeless shelter. There are many people in this area who do not drive and would benefit greatly from expanded bus service.

Street Maintenance Technician Pat Wilson asked the Council to agree to negotiate with the Technician's Union for purposes of new contract. An updated contract would help to bring qualified employees to the City that are desperately needed.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. ARBOR DAY PROCLAMATION: *Proclaiming April 29, 2022, as Arbor Day.*

Mayor Johnson read aloud the Proclamation proclaiming April 29, 2022, as Arbor Day and presented it to Cemetery and Urban Forestry Advisory Commission Chair Shirley Phillips.

V. CONSENT AGENDA

Mayor Johnson explained that all items on the Consent Agenda are considered routine by the Council and will be enacted by one motion. There will be no separate discussion on these issues unless a Councilor so requests, in which case the item will be removed from the Consent Agenda and considered on the Active Agenda under "Items Moved from the Consent Agenda".

Councilor Tousley asked that the Vouchers Payable be moved to the Active Agenda for discussion.

Councilor Kleeburg and Councilor Schroeder moved and seconded, respectively, adoption of the Consent Agenda. *ROLL CALL VOTE: VOTING AYE: Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Liedkie.*

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** *03/28/22 Regular; 04/04/22 work Session; 04/05/22 Special; 04/11/22 Regular*

- B. **ADVISORY BOARD/COMMISSION MEETING MINUTES:** *03/03/22 and 03/24/22 Historic Preservation Commission; 03/16/22 Parks and Recreation Advisory Commission; 03/09/22 and 03/23/22 Planning & Zoning Commission; 12/14/21, 01/11/22, 02/08/22 and 03/15/22 Urban Renewal Agency*

- C. **PRELIMINARY PLAT - CAHILL ADDITION:** *Considering the subdivision of 1.88 acres of undeveloped property located between Airway Avenue and undeveloped Bryden Avenue and east of 18th Street, into three lots*

VOUCHER'S PAYABLE: *Considering approval of the Vouchers Payable dated 04/01/22 through 04/14/22 - \$1,732,747.12 - Moved to Active Agenda as Item J.*

VI. ACTIVE AGENDA

- A. **RESOLUTION 2022-17:** *Considering approving the City of Lewiston Stormwater User Fee Study authored by Aspect Consulting (D. Johnson)*

Public Works Director Johnson reported that the Lewiston User Fee Study was presented to the City Council at its April 18, 2022, Special Work Session by Aspect Consulting. He emphasized that approval of Resolution 2022-17 merely signifies the completion of the Stormwater User Fee Study. The methods in which Aspect performed the study in 2017 and 2018 have not changed, but recommended fees will be different due to

inflation, etc. This document serves as step 1 of 12 and will provide the blueprint for moving forward. Numbers will be updated and brought back to the Council with recommendations.

A motion and second were offered by Councilors Schroeder and Tousley, respectively, to approve Resolution 2022-17. *ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount. EXCUSED: Liedkie.*

B. BID AWARD - IFB-22-003 COMMUNITY CENTER ROOFING PROJECT: *Considering approval of a bid award for the Community Center roofing project to Icon Corporation, Spokane, WA, in the amount of \$308,349.96 (Barker)*

Facilities Supervisor Valerie Meyer reported that the Community Center roof has been in need of repair for quite some time. Reroofed in 2008, the product has failed and the company that provided the product and the contractor who installed it have since gone out of business. A study was performed in 2020 that showed a dire need for repair and was then added to the 2022/23 budget. In 2022, a very strong tar material was applied to the roof in an effort to stop the leaking, but this did not fix the sheathing damages underneath the roofing. The project was put out to bid and only one bid was received from Icon Corporation in the amount of \$308,350. The original plan was to fund half of the project this year and the other half next year. However, due to the extensive damage, staff is asking that next year's funding be moved to this year in order to complete the project.

Councilor Blount indicated that he would like to see a local company perform the work. Ms. Meyer explained that others came to the bid meeting, but could not bid because they did not have the proper Public Works license to include warranty. Staff decided to recommend the bid to Icon as prices continue to rise.

Councilor Blount moved to postpone the bid award and to direct staff to assist a local company in obtaining their Public Works license. Councilor Forsmann seconded the motion.

Councilor Kleeburg stated that he believes the price submitted is fair. To delay the project further will only cost additional money.

Councilor Blount restated his motion to postpone awarding the bid to ICON until the next regular Council meeting in May and to assist a local company with the Public Works License. Councilor Forsmann agreed with the amendment.

Councilor Schroeder presented a substitute motion to approve the Bid Award as presented. Councilor Tousley seconded the motion.

Schroeder: I believe they are doing due diligence. It needs to be done. I agree with Kleeburg that the costs are probably only going to get higher and probably not out of line.

Forsmann: I agree that I would like to keep local, but with the state of the roof, concerned about safety of people in the building and prices going up week by week.

Substitute motion was voted on:

moved to approve the Bid Award for the Community Center roofing project to Icon Corporation in the amount of \$308,349.96. Councilor ____ provided a second. *ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount. EXCUSED: Liedkie.*

- C. **BID AWARD - IFB-22-002 COMMUNITY DRIVE RESERVOIR & BOOSTER STATION:**
Considering approval of a bid award for the Community Drive Reservoir & Booster Station project to T Bailey, Inc., Anacortes, WA, in the amount of \$4,101,936.00 (Bailey)

Public Works Director Johnson reported that an overview of this project was provided to the Council at its March Work Session. The project will construct a water reservoir and booster station near the new Lewiston High School. The additional water capacity will allow further development of Community Park and lands owned by the Lewiston School District and LCSC. at March work session provided overview of ongoing water capital projects. This reservoir is by the new high school. 1.7 million steel reservoir currently there and we are recommended welded material. When we bid this, we had an alternate for bolted and welded. Our preferred option is welded. Found they were within reason, a bit over budget. We did some life cycle analysis and welded easier to maintain and last longer. Consultant and staff and DEQ reviewed and all recommended award to welded contractor. This did go over our original budget. We have a certain amount we have financed through state revolving loan. We have flexibility within that loan to pay for this. Issue is going to be the intake which is to be determined.

Forsmann: Did LCSC and High school help pay for this/ Dustin? No.

Kleeburg: Well 7 will be source for that reservoir? Dustin: Won't be primary source but will be feeding into upper pressure zone. Kleeburg: Part of the bond city passed 89 percent to 11 percent. Dustin: DEQ said all of those projects are important (water treatment plant and this reservoir). We don't have choice, we need to build this. Approved by the voters and DEQ said we need this capacity in spot we said we would build it.

A motion and second were then offered by Councilors Schroeder and Kleeburg, respectively, to approve the bid award for the Community Drive Reservoir & Booster Station project to T Bailey, Inc., in the amount of \$4,101,936. *ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount EXCUSED: Liedkie.*

- D. **BID AWARD - IFB-22-007 2022 STREET PRESERVATION PROJECT - SLURRY SEAL:**
Considering approval of a bid award for the 2022 Street Preservation Project slurry seal to Asphalt Preservation, LLP, West Haven, UT, in the amount of \$534,033.82 (Bailey)

This is all in an effort to keep streets in a manner so we don't have to rebuild them. We also do a seal and fog coat and we broke this out. Slurry seal is something a bit different. Local contractors don't have the capabilities to do slurry seal. In effort to get more local contractors on what they are good at we broke out the fog and seal coat. Bid is in acceptable range. We were a bit worried with rising fuel costs.

We will notify public whenever we do work in their area. Slurry seal is a little more biscus than fog coat. More tacky then you would see.

Forsmann: Did some street repairs on Hemlock them LOID had to come in and do work and tore up what we did. Have we corrinated with LOID? Dustin: Yes. We do our best to coordinate with other utilities, but inevitably there will be emergencies.

Councilor Schroeder moved to approve the Bid Award for the IFB-22-007 2022 Street Preservation Project - Slurry Seal to Asphalt Preservation, LLP, in the amount of \$534,033.82. The motion was seconded by Councilor Tousley and carried with 5 ayes.

Blount: Have hard time supporting this as many roads are past the point of slurry seal. Seems like a waste of funds.

Forsmann: What roads need complete repair and which need slurry seal. Is this already laied out? Dustin: Preserve the ones in decent shape and let the bad ones go. Ugly ones are 21st, Thain, Bryden, Main Street, Snake River Ave. They are all past the point of slurry seal. Overall condition of our streets, pavement index, is pretty acceptable. Want a level of 70 and we are in that range. Local streets are in good shape. Ones with high volume of traffic and we have not invested in them properly over decades, those are past the condition. This allows us to keep local streets up to condition above 70.

Kleeburg: Agree with Johnson. Go to MPO or city website and you can take a look at where priorities are. Bryden is probably Number 1 but funding source is five to ten years out. Slurry seal buys us time on lower traveled roads and keeps them in decent shape. This is money well spent. Funding for 21st Street is way down the road. Main Street is about \$12 million and Bryden is 10 million just from 4th to Thain.

Blount: Wouldn't you agree if we had 534,000 to put towards new road project, that would be more beneficial than throwing slurry seal down and getting it all over vehicles? Kleeburg: \$534,000 might buy you a complete restruction of Bryden from 4th to 4th Street E.

ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount. EXCUSED: Liedkie.

- E. **RESOLUTION 2022-19**: *Considering declaring various items of City of Lewiston property to be surplus and providing for auction (Schwank)*

Purchasing Agent Schwank explained that every year the City auctions surplus items that are no longer needed. She noted that last year's auction brought in \$77,000.

A motion and second were provided by Councilors Schroeder and Forsmann to approve Resolution 2022-19. *ROLL CALL VOTE: VOTING AYE: Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Liedkie.*

F. ORDINANCES

1. FIRST READING

- a. **Ordinance 4846:** Granting a non-exclusive Franchise to Avista Corporation, d/b/a Avista Utilities, for the provision of electricity and gas (D. Johnson)*

Public Works Director Johnson explained this is updated franchise agreement with Avista. This has been a long ongoing project with city legal staff, public work staff and Avista. Avista is private utility operating within private right of way of city. This outlines general provisions under which Avista operates. Currently two agreements, one for gas and one for power. Tonight's Ordinance consolidates it into 1 agreement. Brought this to work session. We started from scratch. Pulled old agreements, and basically had to start over. Everything changed. Avista now provides us insurance provisions. Refined and updated vegetation requirements and maintenance. Combined electric and gas. Added some standard State of Idaho language. This does not include the franchise fee as that will be in separate ordinance. Bragged on the team that worked on this. Legal staff in both Spokane and Lewiston, Avista staff and Lewiston staff really worked hard. Thanked everyone for their efforts.

Forsmann: Talked about when tearing up roads having some certain standards in place. Is that something that makes sense to include in this agreement? Dustin: Didn't want to adopt that standard in a 25 year agreement so it says Avista will abide by current standards of the city.

Kleeburg: Under the old system, were both agreements 1 percent?
Dustin: 1 percent for any revenue generated.

Tousley: thanked everyone for the work on this contract. Page 7, Article 5, Section B6. Could you please clarify? Dustin: if you vacate right of way and even if Avista has facilities in it or not, if they are named within it, we have to notify them that we are vacating that right of way. That's part of state law we abide by. There is a process we go through for vacating the right-of-way. When we vacate right of way or easement, there is a public hearing and the utilities allowed in there are notified and they can protest that.

Hermann: Avista would maintain their easement or right to use that area.

A motion was made by Councilor Schroeder to read Ordinance 4846 for the first time. Councilor Forsmann provided a second and the motion carried 5 to 0, with Council President Liedkie excused.

ORDINANCE 4846: AN ORDINANCE OF THE CITY OF LEWISTON GRANTING A NON-EXCLUSIVE FRANCHISE TO AVISTA CORPORATION, DOING BUSINESS AS AVISTA UTILITIES, A WASHINGTON CORPORATION, FOR THE PROVISION OF ELECTRICITY AND GAS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID FRANCHISE AGREEMENT, RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE"

2. SECOND AND THIRD READINGS

- b. Ordinance 4847: Implementing the City Council's decision in ANX22-000001 to annex land into the Lewiston City Limits (Hollingshead)**

A motion was made by Councilor Schroeder to combine the second and third readings and to waive the third reading in full of Ordinance 4847. Councilor Kleeburg offered a second and the motion carried 5 to 0, with Council President Liedkie excused.

Councilor Schroeder moved and Councilor Kleeburg seconded the second and third readings of Ordinance 4847. The motion carried 5 to 0, with Council President Liedkie excused.

ORDINANCE 4847: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ANX22-000001 TO ANNEX LAND INTO THE LEWISTON CITY LIMITS; AND PROVIDING AN EFFECTIVE DATE"

3. ADOPTION AND APPROVAL OF ORDINANCE SUMMARY

- a. Ordinance 4847 - Action Item**

It was moved by Councilor Schroeder and seconded by Councilor Tousley to adopt Ordinance 4847. *ROLL CALL VOTE: VOTING AYE: Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Liedkie.*

- G. **RESOLUTION 2022-10**: *Considering implementing the Council's decision in CPA22-000001, amending two Neighborhood Number Six - Central Orchards maps of Chapter 6.6 of Lewiston's Comprehensive Land Use Plan (Hollingshead)*

A motion was provided by Councilor Schroeder to approve Resolution 2022-10. Councilor Kleeburg provided a second second.

Councilor Blount questioned how the viewing audience will know what is going on with this proposed annexation. City Planner Plaskon stated that a public hearing was held on this topic at the last regular meeting.

ROLL CALL VOTE: VOTING AYE: *Blount; Forsmann; Kleeburg; Schroeder; Tousley.*
VOTING NAY: *None.* EXCUSED: *Liedkie.*

H. **ORDINANCES**

1. **SECOND AND THIRD READINGS**

- a. **Ordinance 4848**: *Implementing the City Council's decision in ZNC22-000001, declaring that certain newly-annexed real property be included in the Planned Unit Development (PUD) Zone; amending the official zoning map; approving the Northview Legacy Addition Planned Unit Development Agreement between the City and Simon Howard, Matthew Howard and Jennifer Howard (Hollingshead)*

A motion was made by Councilor Tousley to combine the second and third readings and to waive the third reading in full of Ordinance 4848. Councilor Kleeburg offered a second and the motion carried 5 to 0, with Council President Liedkie excused.

It was moved by Councilor Tousley and seconded by Councilor Schroeder to approve the second and third readings of Ordinance 4848 by title only. The motion carried 5 to 0, with Council President Liedkie excused.

ORDINANCE 4848: APPROVING THE SECOND AND THIRD READINGS OF ORDINANCE 4848 BY TITLE ONLY: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC22-000001, DECLARING THAT CERTAIN NEWLY-ANNEXED REAL PROPERTY BE INCLUDED IN THE PLANNED UNIT DEVELOPMENT (PUD) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; APPROVING THE NORTHVIEW LEGACY ADDITION PLANNED UNIT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND SIMON R. HOWARD, MATTHEW P. HOWARD, AND JENNIFER A. HOWARD; AND PROVIDING AN EFFECTIVE DATE"

- b. **Ordinance 4849:** *Amending Section 39-1 of the Lewiston City Code to update the City of Lewiston Area of City Impact Boundary Map (Hollingshead)*

It was moved and seconded by Councilors Schroeder and Tousley to combine the second and third readings and to waive the third reading in full of Ordinance 4849. With a vote of 5 to 0, the motion carried. Council President Liedkie was excused.

A motion was made by Councilor Schroeder to read Ordinance 4849 for the second and third times. Councilor Tousley provided the second and the motion passed 5 to 0, with Council President Liedkie excused.

ORDINANCE 4849: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 39-1 OF THE LEWISTON CITY CODE TO UPDATE THE CITY OF LEWISTON AREA OF CITY IMPACT BOUNDARY MAP; AND PROVIDING AN EFFECTIVE DATE"

2. **ADOPTION AND APPROVAL OF ORDINANCE SUMMARIES**

- a. **Ordinance 4848**

- b. **Ordinance 4849**

Councilor Schroeder moved to adopt Ordinances 4848 and 4849 and to approve their respective summaries. The motion was seconded by Councilor Tousley. ROLL CALL VOTE: VOTING AYE: *Blount; Forsmann; Kleeburg; Schroeder; Tousley.* VOTING NAY: *None.* EXCUSED: *Liedkie.*

- I. **REASONED STATEMENT - ZNC22-000001:** *Considering approval of the Reasoned Statement for ZNC22-000002 - Northview Legacy Addition PUD (Hollingshead)*

It was moved and seconded by Councilors Forsmann and Blount to approve the Reasoned Statement for ZNC22-000001. The motion on the floor carried 5 to 0, with Council President Liedkie excused.

J. **ITEMS MOVED FROM THE CONSENT AGENDA**

1. **VOUCHERS PAYABLE**

Councilor Tousley questioned the payment to Clements, Brown and McNichols in the amount of \$7,412. City Attorney Gómez indicated that this is for the ongoing lawsuit filed by John Bradbury. She added that the total legal fees for the City are close to \$120,000 at this time.

Councilor Schroeder moved and Councilor Forsmann seconded approval of the Vouchers Payable. *ROLL CALL VOTE: VOTING AYE: Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Liedkie.*

VII. UNFINISHED AND NEW BUSINESS

- A. **CITY COUNCILOR COMMENTS:** *Comments shall not be related to an item currently before the City Council or an item that may come before the City Council in the foreseeable future, and shall be limited to comments, not discussion.*

Councilor Forsmann reported that she recently attended the Fire Department badge pinning event and was honored to be a part of this celebration.

Councilor Kleeburg noted that a pig sold at the recent Asotin County Fair for \$75,000 to help a child with cancer. He emphasized that this shows what this community is about.

Councilor Tousley stated that while shopping last week, he was visiting with a woman about a beverage she was purchasing. This individual checked out, but came back to offer him a can from her purchase. Mr. Tousley said that it is these little things that make Lewiston so special.

- B. **CITY BOARDS AND COMMISSION LIAISON UPDATES**

Councilor Forsmann noted that she attended the Parks and Recreation Advisory Commission meeting, adding that the group is still looking for feedback on the Community Park. She encouraged everyone to go online and fill out the survey so that a park can be created that everyone will enjoy.

Councilor Kleeburg announced that Arbor Day is on Friday and a tree planting ceremony for Dr. Brett Reisner would be held at 10:00 a.m. on the LSCS campus.

- C. **MAYOR COMMENTS**

Mayor Johnson announced that the book, “Whistling Past the Tombstones” has been left for each Councilor this evening. He indicated it is very interesting and encouraged all to read it.

Fire Chief Myklebust explained that the Fire Department participates in a Medicaid supplement program in Washington which will bring tremendous income to the City of Lewiston in the future. He reported that he just received notice that the reimbursement for last fiscal year will be a little over \$441,000, which will help tremendously to offset the property tax burden.

- D. **ADVISORY BOARD OR COMMISSION APPOINTMENTS**

1. *Considering the appointment of Amy Brogan to the Disability Advisory Commission*

Mayor Johnson moved to appoint Amy Brogan to the Disability Advisory Commission. The motion was seconded by Councilor Schroeder and carried 5 to 0, with Council President Liedkie excused.

E. AGENDA TOPICS

Councilor Forsmann offered a motion to add a discussion to a future Work Session to determine if an open house at Fire Station 4 would be beneficial. The motion was seconded by Councilor Tousley and carried 5 to 1, with Council President Liedkie excused.

In response to Councilor Kleeburg's comments regarding holding a Saturday budget meeting in place of several afternoon and evening meetings, Finance Manager Gordon explained that the Saturday workshop normally held in February was not scheduled this year. As in the past, six work sessions have been established with the first on May 9th at 3:00 p.m.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Kleeburg and Forsmann moved and seconded, respectively, adjournment of the April 25, 2022, Regular Meeting at 7:38 p.m.