



January 4, 2021

T HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Work Session on Monday, January 4, 2021, at 3:01 p.m. at the Lewiston City Library, 411 D Street.

COUNCIL MEMBERS PRESENT: Mayor Collins; Mayor Pro Tem Schroeder; Councilor Kelly; Councilor Bradbury; Councilor Pernsteiner; Councilor Miller; Councilor Blakey

STAFF MEMBERS PRESENT: Alan Nygaard; Chris Davies; Budd Hurd; Jana Gómez; Kayla Hermann; Travis Myklebust; Dan Marsh; Tim Barker; Laura Von Tersch; Lynn Johnson; Nikki Province; Carol Mauer; Kari Ravencroft; Aimee Gordon; Brittne Purington; Dustin Johnson; Aaron Butler; Alannah Bailey; Joel Plaskon; Shannon Grow; Katie Hollingshead; John Smith; Linda Steputat

I. PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS

Provides an opportunity for citizens to address the Council on agenda items or other items they wish to bring to the attention of the Council. Citizens are encouraged to discuss operational issues in advance with the City Manager. In consideration of others wishing to speak, please limit your remarks to three minutes. Due to the Governor's Stage 2 Order limiting gatherings to ten people or less, citizens are strongly encouraged to provide comments by e-mailing City Clerk Kari Ravencroft at kravencroft@cityoflewiston.org or by calling 208-746-3676 and leaving a message. Your comments will then be forwarded to the City Council. If you would like your comment read out loud during the meeting, please so indicate in your message.

There were no citizen comments.

IV. WORK SESSION ITEMS

A. FINANCIAL PRESENTATION - OCTOBER AND NOVEMBER 2020: *Report provided in accordance with Idaho Code 50-208 - No verbal report*

Councilor Bradbury asked how much of the \$1.9 million in property improvements are allocated. Administrative Services Director Marsh replied that \$1.9 million represents the property tax revenue. He stated that \$1.1 million is scheduled to include \$500,000 for the fire station, \$400,000 for Community Park and \$200,000 for phase one of the communication tower. The difference will roll over to general reserves.

Councilor Bradbury asked for the projected loss for FY'21 for the golf course. Mr. Marsh stated that the golf course financials show slightly higher expenses in comparison to the revenue, due to depreciation expense. The golf course pays the city \$35,000 annually for the water that is used from the well. Councilor Bradbury requested



the figures showing how much the golf course is charged for water in comparison to what other consumers are being charged.

Councilor Bradbury asked for clarification of the \$600,000 listed under the Economic Development Fund. Mr. Marsh responded by explaining that line item is a State allocation for the city's CARES component that is intended to be used for the job accelerator program. He stated that this program is to infuse, assist and invest in the local economy with regard to employment. The City received a \$1.2 million allocation from the State of Idaho for the CARES Act and a majority of the departments within the city, as well as the airport, would utilize the funds. Councilor Bradbury requested a list of projects allocated for the CARES Act funding.

B. TRANSPORTATION PLAN: *Introduction and overview of the Transportation Plan (D. Johnson)*

City Engineer Johnson provided the Council with an introduction and overview of the 2020 Transportation Plan. He explained that this Plan is a collection of data that allows the City to address and prioritize transportation needs. It will help everyone understand the cost to operate, maintain and improve the city's network into the future.

Consultant Witthaus stated that the previous transportation plan the city had in place was created in 1998. He explained that the city has been using the Lewis Clark Valley Metropolitan Planning Organization's Long Range Transportation Plan and the Lewiston Transportation Improvement Plan as a guide. He continued by stating that this plan also incorporates a more formalized method to engage public input. Mr. Witthaus covered the five goals of the plan including maintaining and promoting a safe transportation system for all users, improving livability while addressing the needs of all transportation modes, encouraging economic growth and vitality, attaining buy-in and consensus from the community and stakeholders, and developing partnerships and leverage funding opportunities.

Mr. Witthaus stated the three new concepts introduced in the plan were a Transportation Capital Improvement Plan, project prioritization criteria, and the public participation guide. He explained in detail the chapters included in the 2020 Transportation Plan. Key components of the plan were covered noting pavement preservation as a component that rates the reliability of the roadway system and the financial benefit to preserving the pavement rather than replacing it. The new Capital Improvement Plan (CIP) contains 149 projects which are scheduled to be updated and reviewed annually. The CIP projects section of the plan includes an analysis of the current funding levels compared to project needs, as well as encouraging public input. He indicated that State and Federal funding sources for transportation are not as available as in the past. Mr. Witthaus noted that city staff would use the 2020



Transportation Plan, the CIP and cost estimates to establish funding recommendations for Council consideration.

City Engineer Johnson concluded the presentation stating that the entire plan will be available for review to the Council immediately and the plan will then be released for a 30-day public comment period. The final plan will come before the Council for adoption in early spring.

Councilor Miller asked if there was a plan to perform an analysis to try and source funding. Mr. Witthaus replied that sources for funds were identified not only on the State and Federal level, but also potential funding through the City's CBDG funds or Urban Renewal Agency. He said that there is an appendix included in the Transportation Plan with recommendations made by a transportation funding group in 2016 that lists potential sources for funding. City staff would need to develop a funding system on a project-to-project basis.

C. **SIDEWALK PLAN:** *Review and discussion of the 2008 Sidewalk Plan (Davies)*

Public Works Director Davies reviewed the current Sidewalk Master Plan that was completed and adopted in 2008. The premise behind the Plan was to connect major elements within the City of Lewiston. He stated that with recent updates to businesses and the schools within the city, the Plan should be reviewed and updated. He noted that the approximate cost to install curb, gutter and sidewalk is \$50 per linear foot. It would cost approximately \$50,000 to complete a block and a half of street in the downtown area and about half of a block in the Orchards. He explained that funding for sidewalks could be obtained by either property development or CDBG funds from Community Development.

Councilor Pernsteiner asked for a map that includes the projects that have been completed since 2008. Mr. Davies confirmed he would get that to the Council.

Mr. Davies replied to Councilor Kelly's question stating that the in lieu of fees depend on how fast the city is growing and how fast funding is collected from property development. He explained that there is not always a set dollar amount needed in that account to fund a project as there are times when multiple funding sources are utilized.

Councilor Miller asked if there was a map showing a priority list for upcoming sidewalk projects. Mr. Davies stated he would meet with staff to find out where the focus is and provide that information to the Council.

Councilor Bradbury stated that he has observed that there are sidewalks being installed where there is low pedestrian traffic and asked if there was a study done in regards to pedestrian usage on roadways. Mr. Davies stated that he is not aware of any



study done specifically based on pedestrian traffic. He explained that citizens typically frequent areas such as schools, shopping centers, grocery stores, public areas, etc., and the city is able to leverage funding for those areas. He continued by stating that this plan requires public input to help the city better understand the needs of the citizens. Councilor Bradbury stated that he is concerned for the children walking to and from the bus stops without sidewalks, as well as the handicap population. Community Development Director Von Tersch noted that the ADA Transition Plan completed a full inventory of where sidewalks are located and identified the primary gaps and hot spots. She explained there is a ten corridor priority adopted within the transition plan of where the focus should be to address ADA concerns. The plan was approved by the Disability Advisory Commission. City Engineer Johnson added that the ADA Transition Plan was used when compiling the Capital Improvement Plan. He stated that staff is making an effort to identify the locations most in need of improvement.

Councilor Blakey stated that the area schools would be a great place to continue expanding the sidewalk connectivity and expanding what is already in place.

D. PARADES AND PUBLIC ASSEMBLIES: *Discussion regarding proposed Ordinance No. 4794 related to parades and public assemblies (Hermann)*

Assistant City Attorney Hermann stated that the first reading of Ordinance 4794 was held at the City Council meeting on October 26, 2020. The Council recommended postponing the remaining readings for further research on the insurance component. She stated the recommendation from staff is to remove the discretionary decision making by city employees, as well as remove the exception that states a permit is not required for events that are held outside the Central Business District (downtown) that does not substantially interfere with pedestrian or vehicular traffic. With these recommendations, a permit for any parade or public assembly would be required regardless of location within the city.

Councilor Bradbury stated that parades usually interfere with vehicle and pedestrian traffic and assemblies, that are constitutionally protected, usually do not interfere with vehicle and pedestrian traffic. He agreed with having to obtain a permit to have a parade, but he does not feel that the same definition should be used for assemblies. Mr. Bradbury suggested having a separate provision for parades where insurance, a permit and traffic plan is a reasonable request. Secondly, he suggested having a separate section for assemblies that require a notice be given to the city so that staff is prepared. Ms. Hermann agreed that parades and assemblies are different in nature and explained that the language states 25 or more people and interference with vehicle and pedestrian traffic. She stated that the intent for requiring the permit is so the Public Works Department is able to ensure the streets are not impacted negatively and that emergency services are able to pass through if needed. Councilor Bradbury followed up by stating that the way the ordinance is written, it makes holding a public



assembly almost impossible. A public assembly is completely distinguished from an organization that is specifically designed to use an entire roadway where traffic is going to be impacted.

Councilor Pernsteiner shared a similar concern as Councilor Bradbury with the distinction between parades and public assemblies. He stated that he had concerns with public assemblies requiring a permit on any public property managed by the City regardless of the location. He also shared concerns of inhibiting the first amendment rights and said he would like to hear from staff on certain situations that would and would not have needed a permit. Ms. Hermann responded by clarifying that the language would also pertain to downtown events such as Pumpkin Palooza. She stated that staff is trying to find a solution that works for everyone and they are open for suggestions from the Council.

Mayor Collins stated that he would be in support of a separation of parades and public assemblies. He said he feels that making assemblies an individual topic may help address confusion in the future.

Councilor Pernsteiner asked for clarification regarding spontaneous events that would not require a permit. Ms. Hermann stated that events that take place in response to breaking or emerging news, even with due diligence, would be unable to meet the time criteria to receive a permit.

Councilors Kelly and Blakey both supported the separation of parades from public assemblies. Councilor Blakey stated that he does understand the value of a permit system for planned assemblies in order to allow for first responders to be prepared for the event. Councilor Bradbury added that the city is entitled to require notice for a planned event so city officials are prepared. The notice should include when, where and the number of participants. He stated that the difference between a notice and permit is that a notice would not require discretion of the government and a permit would.

Ms. Hermann asked if the Council would like to require a permit for events causing street closures and/or use of a city park. Mayor Collins said that if the street has to be closed, he feels a permit should be required. Councilor Bradbury replied by stating that there is a difference between assemblies and public events and that can be clearly defined within the definition of assembly.

City Attorney Gomez clarified further that there is a difference between political expression and community event public assembly. She explained that the constitutional issue with regard to assemblies is that the content of the speech cannot be considered to determine if a permit is needed.



Mayor Pro Tem Schroeder stated that there will always be parking issues in regards to larger sized assemblies and she feels that is a factor that should be considered. There should be a system in place for notification of assembly.

Councilor Blakey stated that if the city streets are going to be used, then a permit should be required. He continued by stating that another issue to consider is that if a public park is going to be affected, a system to prevent overlap in events is a good idea.

City Attorney Gómez suggested separating parades and assemblies with insurance for the parades only. If there is an assembly in a public park and it does not interfere with roadways, then the city would need notification only and not require a permit. If the assembly requests to have street closures, a permit should then be utilized. Councilor Bradbury agreed that would be a reasonable fix.

Assistant City Attorney Hermann reviewed the current city code regarding indemnification. She stated that for events such as a parade, the cost of insurance varies based on the size and nature of the event. She suggested that the person(s) hosting the event or parade obtain a permit and insurance based on the risk level. However, if the event applicant could not afford the insurance available, the City could require the applicant to sign an affidavit of indigence. She stated that staff would like some direction from the Council for amendments to the current ordinance.

Councilor Miller stated she feels that the larger community events should be required to obtain insurance or sign an affidavit. Ms. Hermann clarified that insurance should be required in order for indemnification to be effective.

Mayor Pro Tem Schroeder asked if the insurance is required if the assembly would be blocking streets and a permit is required. Mrs. Hermann confirmed.

E. ABATEMENT OPTIONS: *Discussion on abatement options for the Emperor of India* (Hermann) – ACTION ITEM

City Inspector Smith updated the Council on the current status of the property that was formerly Emperor of India restaurant. He stated the city was working with the owner to make the property safe and clean, but that has now stopped. The attorney representing the insurance company has shown some interest in assisting the city in finding a remedy to fix the property to ensure that it does not become a nuisance to adjoining properties.

Fire Chief Myklebust stated that the Lewiston Fire Department requested the assistance of the Idaho State Fire Marshall's office with the investigation. He stated that with COVID-19 there have been delays in the process, but the State Fire Marshall will be providing all of the documentation and findings by the end of the week. Once that



information has been received, it will be reviewed by Fire Chief Myklebust, Police Chief Hurd and staff to develop a press release that will outline the cause of the fire.

Councilor Pernsteiner asked if the reason the property has not been cleaned up is largely in part due to the ongoing investigation and insurance litigation. Mr. Smith and Chief Myklebust confirmed. Councilor Pernsteiner stated that he would be hesitant to make any decisions at this meeting knowing there could be further information available by the end of the week.

Councilor Bradbury asked what restraint is on the city to declare the property a public nuisance. Assistant City Attorney Hermann replied that under Idaho State Code 50-335, the city has the ability to declare buildings a nuisance, which the Council has done for the property in question. The resolution that was passed lists the reasons the property was declared a nuisance. Councilor Bradbury asked what prevents the city from cleaning up the property and placing a lien on the property taxes. If the lien is not paid, the City could then sell the property to try and recoup the costs. Ms. Hermann stated that could be an option under the process outlined in Idaho State Code 50-335. She explained that since the city is still waiting for additional information that could affect the outcome, it is staff's recommendation for the Council to not take action pending receipt of the additional information. Councilor Bradbury asked what additional information is outstanding. City Manager Nygaard replied stating that the fire investigation is only one piece to the investigation. The outcome of the fire investigation may determine how the prosecution may move forward with the rest of the case.

Councilor Kelly asked if it would be problematic to sell the property after placing a lien if there was not a clear title available. Councilor Bradbury clarified that if there is a lien on a property, it may be sold at public auction by who placed the lien and the purchaser may file for title based on the value of the lien.

Ms. Hermann stated that staff is looking for a consensus from the Council to agree with staff recommendations to hold off until further information is received and can be reevaluated.

A motion was made by Mayor Pro Tem Schroeder and seconded by Councilor Pernsteiner to delay discussion and have this item placed on the January 25, 2021, agenda, pending further information. The motion carried unanimously.

F. **UTILITIES:** *Discussion regarding late fees and penalties (Marsh/Nygaard)*

Councilor Miller suggested that the Council consider waiving utility late fees for 3-6 months, as well as the statement shut off notification altered or changed. She feels that these changes would relieve some stress for the citizens during this time. This



would not be a utility bill forgiveness plan as the balance would still need to be paid. It would allow for citizens to have an extended amount of time without accruing penalties. She noted she would like to see the staff continue to reach out to citizens regarding their balances and assistance when needed. The staff does offer contacts with organizations that offer resources that assist with utility bills.

Administrative Services Director Marsh stated that all staff share empathy with the members of the community. He said that the last time that the fees were waived, it did provide some relief. However, if there is no incentive to pay the balance, the system can often be abused by some patrons. He explained that having an account that is 60-90 days in arrears can create a larger problem for staff and patrons. He noted that there are a number of steps that staff utilizes to prevent any disconnection of services from occurring.

City Manager Nygaard agreed comments provided by Mr. Marsh. He indicated that the city's accounts that are in arrears are better than prior to the pandemic, and that is the same case for Lewiston Orchards Irrigation District.

Councilor Blakey stated that the Utility Billing Department is fully staffed and his concern lies with the citizens that are always past due on their balances. He stated that he has full confidence in to make contact with the citizens and offer relief to those in need. He said he is comfortable with the current system in place.

Mayor Pro Tem Schroeder agreed with Councilor Blakey and said that the staff is always promoting the organizations that can help when a citizen is in need. She is in full support of the Utility Billing Division and the way staff performs their current duties. She too supports the current system in place.

Councilor Miller stated that she is asking for late fees to be waived for a period of time and that the shut off notification be covered on the past due statements. This could provide a small amount of relief on patron's utility bills.

Councilor Pernsteiner asked if there is criteria that staff uses in order to waive fees. Mr. Marsh explained that there is a policy within the department to waive one late fee per year and other cases are considered at the department's discretion. Councilor Pernsteiner said based on the data he would suggest staying the course. He also suggested additional criteria for pandemic related job loss.

Mayor Collins asked if there was a simple step to remove the shut-off notification from the past due statements. Mr. Marsh said that further research would need to be done with the mailing service that sends out the statements. He suggested allowing staff the ability to make the decision based on the circumstances to waive or not assess a late fee.



Councilor Miller stated that she is trying to avoid extra time spent for the staff and patrons and feels that suspending late fees overall for the next three months would elevate that time.

Councilor Bradbury asked if the one-time a year waiver of the late fee is an internal policy or if it was adopted by the Council. Mr. Marsh said that he believes that this is an internal policy with blessing from the Council. Councilor Bradbury stated that if it is an internal policy, then increasing the amount of allowed late fee forgiveness should be a simple change.

Councilor Pernsteiner requested to have the data comparing the balances in arrears from last year to current.

Mayor Pro Tem Schroeder asked what the process is for a late fee to be reversed. Utility Billing Specialist Purington explained the process. She stated that the patron would be required to fill out a form requesting a late fee reversal. If the reversal qualifies, the late fee would then be adjusted prior to the following bill cycle. Ms. Purington noted that the Utility Billing staff are always willing to work with the patrons if there is an unforeseen event causing the patron to be behind on their balance. The customer is always required to sign the forms to give the staff permission to perform the reversals or to make payment arrangements. Mayor Pro Tem Schroeder stated that with that information she is still in support of the current process.

City Attorney Gómez suggested taking a look at the City Code and standardizing the request process. This would allow the Council to set the standards in City Code for staff to follow.

Administrative Services Director Marsh stated that utility receivables with balances of 30 days or more prior to the pandemic were approximately \$65,000. These were increased by \$45,000 during the moratorium and now back to the \$65,000 range.

Councilor Blakey said that he really does not feel that this is an issue that needs to be placed within City Code. He said that the Utility Billing Division does a great job making the decisions and he does not want to see them have to be governed by the City Code in this matter, as it would remove their ability to be flexible.

Councilor Miller stated that she would like to see the late fees suspended for three months and not require the citizens to fill out a form.

Councilor Kelly stated that he would support suspending late fees for the next three months. He said that he appreciates all that staff does and the work they do to help the citizens.



Mrs. Gómez suggested that this item be placed on the January 25, 2021, meeting agenda to be voted on or under the current City Code Chapter 12, City Manager Nygaard could issue an order suspending the City Code provision regarding late fees for utilities. Councilor Miller would be in support of having City Manager Nygaard issue the order.

The consensus of the Council was to place this item on the meeting agenda as an action item for January 25, 2021.

- G. **AIRPORT JOINT POWERS AGREEMENT:** *Review of the current Joint Powers Agreement between the City of Lewiston, Nez Perce County and Lewiston/Nez Perce County Regional Airport (Nygaard/Gómez)*

City Manager Nygaard opened a discussion regarding the current Joint Powers Agreement (JPA) between the City of Lewiston, Nez Perce County and the Lewiston Nez Perce County Regional Airport.

City Attorney Gómez stated that the JPA was recently discussed with Nez Perce County regarding some improvements that could be made to the agreement. One item staff would like to add is for the airport to maintain their 139 Certification, which is required for airports that operate passenger planes with ten or more seats. She noted that the airport is currently in compliance with their 139 Certification, but there is nothing within the JPA that states they have to maintain that rank.

Mayor Pro Tem Schroeder stated that in previous discussion it was clear that the airport needed to maintain 139 Certification. She said that the community wants and needs commercial flights and she is in full support of requiring the certification in the JPA.

Councilor Pernsteiner asked for clarification stating that it is his understanding that neither Nez Perce County nor the Airport Authority Board are opposed to adding this requirement to the agreement. Ms. Gómez indicated that was her understanding. Councilor Pernsteiner stated he was in favor of including the 139 Certification requirements in the JPA.

Mrs. Gómez suggested removing the lease provisions from within the JPA and drafting a separate lease agreement between the City, County and airport. She noted that by having the lease agreement as a document of its own, it will allow for easier adjustments in the future.

Councilor Pernsteiner asked if the lease would remain a joint agreement or become individual agreements. Ms. Gómez confirmed that the lease would remain as a



joint agreement. She stated that the current lease terms would continue as currently written per staff discussion. Councilor Pernsteiner agreed and asked if that change would need to be done prior to making changes to the JPA. Ms. Gómez clarified that the changes would need to be made concurrently.

City Manager Nygaard stated that the City leases the airport property for Bryden Canyon Golf Course and Airport Park for a total of \$80,000 annually. The provisions and grant assurances provide that recreational and park properties could be exempt from the leases. He suggested reducing the lease amount as a cost for the Park Department and increasing the contribution to the airport through the General Fund. He noted that with this provision the total contribution cost would then be shared with the County. The change could then be reflected in the lease agreement and approved by the Federal Aviation Administration (FAA) to discontinue the lease payments.

Mr. Nygaard responded to Councilor Bradbury explaining that within the federal regulations there are exemptions for community use. He stated that in Section 17.15 the exceptions state that it is legal for the City not to pay rent or leases for parks or recreational facilities. Councilor Bradbury replied stating that there is no reason the City should not pay the airport for the property that it utilizes.

Mayor Pro Tem Schroeder said that she is in support of removing the lease payments from the agreement.

Councilor Miller asked for clarification on the ownership of the property and why the City is leasing property from the airport. Mr. Nygaard explained that the City and County are sponsors of the airport and have the ability to provide property for the airport. The FAA has some level of control over the boundary that surrounds the airport. To assist the airport in being self-sustainable, they are able to receive rent for property within the airport boundaries. He continued by explaining that the City solely owns some of the parcels around the airport, as well as jointly owning parcels with the County.

Councilor Pernsteiner asked if the property lease terms were agreed upon in the original JPA, not the agreement that was updated in previous years. City Attorney Gómez clarified that the lease agreements in question are separate from the JPA. She stated that if the lease provisions are removed from the JPA, the City would be able to combine all three lease agreements into one lease. Councilor Pernsteiner clarified that the proposal is to request the removal of the leases from the airport and to use the land for community benefit, as well as increase the overall contribution to the airport from the General Fund. Mr. Nygaard confirmed.

Councilor Bradbury stated that he feels this is just another attempt by the City Manager to starve the airport. He said that with the leases in place the City is obliged to



pay the amount without discretion by any City employee. Mr. Nygaard replied that the City has contributed more funds and services to the airport than the County. He explained that he would like the budget to reflect more accurately the money the City is spending.

Councilor Blakey stated that he has yet to see one example, in his time on the Council, where the City Manager overrides the Council's decisions. He said that he feels that the citizens of Lewiston are not being treated fairly. He continued by stating that it is time for the City to be transparent and take the opportunity to remove the leases and increase the General Fund contribution.

Administrative Services Director Marsh explained that the reason the parks are exempt from the lease payments is for the noise buffer they provide. The budget for the airport will not change; it will just be split evenly between the City and the Country. He noted that the City does provide fire protection for the airport and has contributed approximately \$32 million over the past 20 years. Mr. Marsh stated there was an appraisal completed and the City is paying the correct square footage price for the parks.

Mayor Collins stated that this change allows for a clear accounting of what expenses are being paid from the Parks and Recreation budget for parks and what is being contributed to the airport. He said that he is in support as long as funds are not being retracted from the airport.

Councilor Bradbury stated that per the FAA the airport has to have a certain amount of land dedicated for use in order for them to exist. The owner of the land dedicated is no longer the beneficiary of the property and the land would then belong to the airport. He noted that in order for the airport to maintain self-sustainability it must lease out property.

Councilor Pernsteiner stated that what the City is interested in is the sustainability of the airport. The sponsor has the authority to allocate the land in the way that is suggested and he feels that this is a conversation that should be had with the County. He said that the viability of the airport is tied to the land around the airport, which is a means for the airport to remain sustainable.

Mr. Nygaard said another discussion item is the Airport Board revision, which would provide positions on the board for an elected official for each entity. This would increase the size of the board and give the opportunity for the public to get their comments heard.



Councilor Bradbury said he disagrees with placing an elected official on the board and feels that there could be conflict of interest. He stated, in his opinion, that change would politicize a board that was meant to be independent.

Councilor Kelly asked if there would not be a need for a liaison if there was an elected official on the board. Mayor Collins stated he believed that would be the case.

Mayor Pro Tem Schroeder stated she feels that expanding the Airport Authority Board and having other surrounding communities involved would benefit the airport and the community.

Councilor Pernsteiner stated there are two owners funding the airport and there is an element of accountability. As of now he feels that there is not a need to add elected officials to the board. However, he said he agrees with expanding the board to other surrounding communities.

Councilor Kelly asked if funding would be available through the State of Washington if there was a member from Clarkston or Asotin on the board. Mr. Nygaard stated that there was a discussion regarding the possibility of having an official from Clarkston or Asotin serve alternating terms. Mr. Nygaard stated that having an elected official on the board from the State of Washington could bring potential economic development funds. Councilor Kelly asked if the board member would have to be an elected official from that state in order to receive funding. Mr. Nygaard responded that it could be helpful.

Councilor Blakey stated that he feels that the surrounding entities should have a financial stake in the airport, as it benefits many communities.

City Attorney Gómez stated the last topic for discussion is in regards to the members of the board not being compensated for their service. She explained that under Idaho Law, public servants cannot be interested in any contract made by themselves in an official capacity. This issue stems from members of the Airport Authority Board owning hangers at the airport. She reviewed Idaho Code 74-510 and 1830-1359(d) regarding compensated public officials, noting the exceptions. She said that the County was interested in visiting this topic due to their appointed board member owning a hanger. She stated that her understanding is that the County prefers to have board members that are familiar with the aviation industry.

Councilor Blakey stated that it seems unfair to penalize the members of the board that do not have a lease agreement. He feels that the HPA should be enforcing the rules stated in the agreement and if there is a board member that has a lease with the airport, they should not be allowed to be on the board.



Councilor Pernsteiner stated he is in full support of having individuals with aviation expertise serving on the Airport Authority Board. He asked if the proposal is for the language in the JPA to be updated to reflect Idaho Code for compensated individuals. Ms. Gómez stated that the section of Idaho Code she was referring to was for non-compensated individuals. She said she does believe that Idaho Code does provide an exception for compensated individuals; however that has yet to be discussed with the County.

Councilor Bradbury asked if the person on the board could opt in or out of being compensated. Jana stated that could be an option. Ms. Gómez stated that could be an option.

Councilor Miller stated that the board needs to be made up of a diverse group of people that will allow for the entity to move forward. The make-up of the board should be people with aviation background that could lead to board members leasing property.

Councilor Blakey asked if other stipulations would be included if the option of opting out of compensation was included in the agreement. Ms. Gómez explained that if the board member were to have a financial interest in the outcome of the discussion and vote, the board member should recuse himself/herself from that decision.

Mr. Nygaard stated there are obvious modifications that need to be made in the JPA. He said that staff is asking for direction from the Council on how to move forward.

Councilor Blakey asked if the other Airport Authority Board members could be researched to be sure there are no other lease agreements. Ms. Gómez confirmed.

Councilor Pernsteiner suggested that sub-committees be formed to be able to discuss the items with the County Commissioners.

There was a consensus of the Council to move forward with the forming of sub-committees to work through the topics discussed with Nez Perce County.

H. LEWISTON POLICE STATION: *Review and discussion of the December 7, 2020, letter provided to the City of Lewiston from Nez Perce County regarding the Lewiston Police Station (Nygaard)*

City Manager Nygaard opened a discussion regarding the letter received from Nez Perce County regarding the re-location of the Lewiston Police Station. He stated the next step in the process of a new police station is to evaluate the needs of the Police Department.



Mayor Collins asked how much a needs assessment would cost. Mr. Nygaard replied approximately \$30,000. The assessment would include a feasibility analysis and understanding of what a modern police station needs.

Mayor Pro Tem Schroeder asked if a needs assessment considers a renovation of the current police station. Mr. Nygaard replied he would not recommend renovating the current station at this time. He said that the decision that needs to be made is to move the police station or to leave it where it is. He noted that Nez Perce County would like feedback from the City in order to move forward with the planning of the new courthouse.

Councilor Pernsteiner agreed that this has to be a partnership with the County and supports moving forward with the needs assessment. He said that this project was also on the long-term strategic plan for the City.

Mr. Nygaard stated that he met with Commissioner Beck and the cost of a remodel on the current courthouse would be double what a new build would cost. He said that the County stated a remodel would not be feasible.

Councilor Miller said she supports moving forward with the needs assessment and feels that it is in the best interest of the both the City and the County. Mayor Collins was also in support of moving forward.

Councilor Bradbury stated he disagrees with hiring a consultant to give information that may be obtainable from other sources.

Councilor Blakey suggested having the Police Chief give his input on what he feels the station needs. Mr. Nygaard stated that hiring the consultants will save money down the road. He said that having experts in the field will allow the City to receive the best information to make the best decisions.

Fire Chief Myklebust responded to Councilor Blakey stating that he agreed with the City Manager in that bringing in experts will ultimately save the City time and funds. He said that staff time is valuable and having the professionals come in to do the job correctly is extremely beneficial.

The consensus of the Council was to move forward with the needs assessment for the Police Station.



V. UNFINISHED AND NEW BUSINESS

A. *CITY COUNCILOR COMMENTS*

Councilor Kelly thanked everyone who was involved with the Winter Spirit display at Locomotive Park.

Councilor Pernsteiner provided an update on the economic development funds. He stated that there is more coming to the Council regarding the federal funds for the job accelerator program. He thanked City staff, Valley Vision, Beautiful Downtown Lewiston, the Chamber of Commerce and the Port of Lewiston for their time and support.

Councilor Blakey suggested that the Council members to get out into the downtown community and promote the Business Improvement District Board. He stated that currently there are only two applicants and the board is looking for a total of nine.

Councilor Bradbury stated that staff time and funds are being spent on projects, such as the business development prior to the Council having a say. He said that the Council needs to be making decision and then allocate the funds. Councilor Miller responded by explaining that the job accelerator program has already been discussed and agreed upon by the Council.

B. *CITY MANAGER COMMENTS*

City Manager Nygaard stated that there will be an item that will come before the Council at next week's meeting regarding liquor licenses for City businesses. He said that the restaurants and bars in the community have been some of the hardest hit in the economy and there is a plan to delay the receipt of payment for the fees.

C. *ADVISORY BOARD OR COMMISSION APPOINTMENTS* – Action Item

There were no appointments.

D. *PROPOSED WORK SESSION TOPICS* – Action Item

There were no topics suggested.



VI. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Mayor Collins adjourned the January 4, 2021, Work Session at 6:58 p.m.

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact City Clerk Kari Ravencroft at least forty-eight (48) hours in advance of the meeting at (208) 746-3671 x 6203.