

January 9, 2023

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 President Liedkie; Councilor Forsmann (via Zoom); Councilor Kleeburg; Councilor Schroeder; Councilor Spickelmire; Councilor Tousley.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Police Chief Kuzik led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Johanna Frank talked about human trafficking and how it relates to the homeless population and the use of drugs.

Maliik Prior expressed concern about the lack of sufficient public transit and the need for assistance for the homeless.

IV. MOTION TO AMEND AGENDA

It was moved by Councilor Kleeburg and seconded by Councilor Liedkie to amend the agenda to include the modified language under Item VIII.E. The motion carried unanimously.

V. PRESENTATIONS

A. **FINANCIAL REPORT - NOVEMBER 2022:** *Financial report for November 2022, in accordance with Idaho Code 50-208 - No oral report (Gordon)*

VI. PUBLIC HEARINGS AND RELATED ACTION ITEMS

A. **PUBLIC HEARING - ZA-03-22 - FORM AND IMPACT BASED ZONE AMENDMENTS:** *Accepting testimony on a proposal to amend the Form and Impact Based Zone of the Lewiston City Code related to development standards, development qualifiers, parking regulations and the limitations and prohibitions of the Zone (Hollingshead)*

Mayor Johnson announced that this was the time and place advertised for the public hearing regarding ZA-03-22. He opened the hearing and asked that a staff report be provided.

Planner Hollingshead explained that the FIB Zone is a unique zoning district designed to encourage highly intensive, destination-oriented land uses in a high quality development

environment in order to maximize the use and value of the lands in close proximity to the confluence of the Snake and Clearwater Rivers. It is a point system-based zoning district, whereby development must include land use and development aspects from a “shopping list” such that the development accumulates enough points to qualify for a building permit. Different land use and development characteristics are assigned a range of points, and the developer chooses which aspects to include in the development.

Continuing, Ms. Hollingshead stated that one of the FIB Zone’s primary purposes is to enhance the former Twin City Foods pea processing plant site when it gets developed. Staff recognized that amendments to the zone were in order to improve some of the development standards and point system aspects. She highlighted sections within the Ordinance referring to floor ratios for buildings and parking, ten-foot setbacks for street frontage, development thresholds, the point system, and off-street parking requirements.

Councilor Forsmann asked what the points signify? Ms. Hollingshead explained that standard zoning is usually land based. For the FIB Zone, a point qualifier has been established on the design criteria. The idea is for a developer to meet a certain number of points in order to maximize space.

Council President Liedkie said she appreciates how the Zone criteria is an effort to approach some of the barriers. She stated she hopes this plan is efficient for the City and not doesn’t just address the needs of a couple of developers. Planner Hollingshead replied that the FIB Zone doesn’t have a lot of buildings on it. The intention was really designed for the waterfront property. She did note, however, there are other examples of properties in this area that would have similar troubles based on the geographic nature of their parcels.

Mayor Johnson called for testimony. There being none, the hearing was closed.

B. ORDINANCE 4862 - FIRST READING: Amending Sections 37-93, 37-93.D., 37-93.E., 37-93.F., and 37-93.G. of the Lewiston City Code related to the Form and Impact Based (FIB) Zone

A motion and second were offered by Councilors Tousley and Schroeder, respectively, to read Ordinance 4862 for the first time. The motion carried 6 to 0.

ORDINANCE 4862: “AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 37-93, 37-93.D., 37-93.E., 37-93.F., AND 37-93.G. OF THE LEWISTON CITY CODE RELATED TO THE FORM AND IMPACT BASED (FIB) ZONE; AND PROVIDING AN EFFECTIVE DATE”

C. PUBLIC HEARING - ZNC22-000007 - DOWNTOWN C4 TO C5 REZONE: Accepting testimony on a proposal to rezone approximately 32 properties consisting of 19 acres from General Commercial Zone (C-4) to Central Commercial (C-5) (Hollingshead)

Stating this was the time and location advertised for the public hearing regarding ZNC22-000007, Mayor Johnson opened the hearing and asked for a staff report.

Planner Hollingshead reported that ZNC22-000007 is an application from the City of Lewiston to rezone approximately 32 properties consisting of 19 acres from General Commercial, C-4 Zone, to Central Commercial, C-5 Zone. These properties are existing commercial structures, some with second floor multi-family units and nonprofit organizations. C-4 is not an appropriate zone for the gateway to Idaho and historic Downtown. It is actually intended to provide areas to serve city and regional needs. The C-5 Zone is specifically tailored to the Central Business District.

Ms. Hollingshead noted that this rezone is an expansion of the existing C-5 Zone to the east of 5th Street and is more compatible than the C-4 Zone is to adjoining FIBZ to the north, east and west. The C-5 Zone allows for uses that exist in businesses currently occupying this area of downtown such as eating and drinking establishments, business and professional offices, public or governmental offices, personal services and second floor multi-family residential. A rezone would remove uses such as a building supply outlet, car wash, laundry or dry cleaner, mini-storage or RV park from those allowed in this area of downtown.

Planner Hollingshead indicated that this request stemmed from a letter sent to business owners who questioned why the C-4 Zone was still the most appropriate zone for the area. Councilor Tousley then asked if any of the business owners would be adversely affected with this Zone change. Ms. Hollingshead responded that she reviewed the 32 businesses specifically and there would be none would be affected.

After calling for testimony and receiving none, Mayor Johnson closed the hearing.

D. ORDINANCE 4869 - FIRST READING: *Implementing the City Council's decision in ZNC22-000007, declaring that certain real property be removed from the General Commercial (C-4) Zone and included in the Central Commercial (C-5) Zone (Hollingshead)*

Councilor Schroeder moved to read Ordinance 4869 for the first time. A second was provided by Councilor Kleeburg and the motion carried unanimously.

ORDINANCE 4869: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC22-000007, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE GENERAL COMMERCIAL (C-4) ZONE AND INCLUDED IN THE CENTRAL COMMERCIAL (C-5) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE"

VII. 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 Forsmann asked that the Vouchers Payable be removed from the Consent Agenda for discussion purposes.

Councilors Schroeder and Forsmann moved and seconded, respectively, adoption of the Consent Agenda as amended. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

- A. **LEWISTON CITY COUNCIL MEETING MINUTES**: 12/22/22 Regular; 12/13/22 Joint City/Nez Perce County Special - Action Item

- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES**: 11/17/22 Business Improvement District Advisory Board; 11/03/22 and 11/14/22 Historic Preservation Commission; 11/16/22 Library Board - Action Item

- C. **FINAL PLAT - NORTHEAST CROSSING ADDITION PHASE IVA**: Considering accepting and approving the Northeast Crossing Addition - Phase IVA Final Plat - Action Item

- D. **VOUCHERS PAYABLE**: Considering approval of the Voucher's Payable dated 11/24/22 through 12/08/22 - \$1,138,141.30; 12/09/22 through 12/22/22 - \$3,296,424.86 - Action Item (Moved to Item IX.A.)

VIII. ACTIVE AGENDA

- A. **CONSENT TO ANNEXATION AGREEMENT**: Considering approving an Irrevocable Consent to Annexation Agreement between the City of Lewiston and Kim Roger and Betty Jo Bingman - Action Item

It was explained by Public Works Director Johnson that this request is from property owners located at the intersection of Lindsay Creek and Lapwai Roads, which is outside of the City limits. The property owners wish to receive City wastewater services and as part of the requirement, they are required to consent to annexation. City sewer runs directly in front of the property so equity buy-in fees would not be required.

Councilors Schroeder and Forsmann moved and seconded approval of the Irrevocable Consent to Annexation Agreement between the City of Lewiston and Kim and Betty Jo Bingman. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

- B. **RESOLUTION 2023-01**: Considering authorizing the destruction of certain Finance Department records - Action Item

Finance Director Gordon reported that this is the annual Resolution brought before the Council for purposes of cleaning up Finance records. She noted that the only change this year is that purchasing records and unclaimed property reports have been added.

It was moved and seconded by Council President Liedkie and Councilor Forsmann to approve Resolution 2023-01. ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.

- C. **RESOLUTION 2023-2:** *Considering approving a Third Amended and Restated Joint Powers Agreement establishing the Lewiston-Nez Perce County Airport Authority – Action Item*

Mayor Johnson explained that he was contacted by Airport Manager Mike Isaacs requesting that the City amend the Joint Powers Agreement by removing the monthly salary requirement for Airport Authority Board members.

Council President Liedkie reported she was at the Airport Authority meeting where they voted on this issue. She commended the Board for trying to find ways to lessen their budgets by removing approximately \$18,000 in stipends from each of their members.

Councilor Schroeder offered a motion to approve Resolution 2023-2. Councilor Tousley seconded the motion. ROLL CALL VOTE: VOTING AYE: All.

- D. **PROFESSIONAL SERVICES AGREEMENT:** *Considering approving a Professional Services Agreement between the City of Lewiston and Mountain Waterworks, Inc., for the FY2023 East Orchards Sewer Project Phase 3 in the amount of \$171,715 – Action Item*

Public Works Director Johnson explained that the City has partnered with the Urban Renewal District on the sewer expansion in the East Orchards. The next phase to be complete is Phase 3, with previous phases of the trunk line and Cedar Avenue previously completed with Council approval beginning in 2017. Map is based off of the potential future trunk mains within the East Orchards. URA coordinates with city to determine where the best use of the funds would go to construct these new sewer mains. This is highest need area at this time. URA funded project. All proper procurement processes were used to select Mountain Waterworks.

Councilor Kleeburg expressed his support for this project due to the lack of sanitary sewer in the East Orchards. Public Works Director Johnson noted that this not only benefits the existing homes in the area, but also future growth in this part of the City.

It was moved and seconded by Councilors Schroeder and Tousley to approve the Professional Services Agreement between the City of Lewiston and Mountain Waterworks, Inc. ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.

- E. **REQUEST FOR PROPOSALS AWARD: RFP-22-016 EMS BILLING SERVICES:** *Considering award of RFP-22-016 for EMS billing services to EMS Management & Consultants, Inc. and*

authorizing the Mayor to sign the associated agreement between EMS Management & Consultants, Inc. and the City of Lewiston - Action Item

Fire Chief Myklebust explained that one of the ambulance billing staff is going to retire in late spring of 2023. Knowing this, it was decided to conduct a complete analysis of the department. Upon completion, it was determined that an RFP with ambulance billing providers was the best path forward, with 11 companies responding and 9 meeting the qualifications. Upon scoring, EMS Management & Consultants was overwhelmingly the top company. Chief Myklebust pointed out the benefits and cost savings that would come from selection of an ambulance billing provider rather than utilizing City staff.

Councilor Spickelmire questioned the breakdown of costs. Chief Myklebust explained the contract would allow EMS Management & Consultants to provide all billing services for 5.3% of the net funds they collected for the City, which is estimated at approximately \$110,000 per year. The contract will allow an increase in the fees each year based on the CPI, but will not go over 5 percent in any given year.

Responding to a question raised by Councilor Tousley, Chief Myklebust explained the city would continue to hold a contract with a collection service for those individuals who do not pay. For those people experiencing financial difficulties, staff would still work with them to set up payment plans to maintain the “personal touch” that customers currently experience.

Councilor Spickelmire said he believes this is a great business move. He asked if the ambulance billing clerk moving to the Fire Department would become a new position. Mr. Myklebust stated that the position is already budgeted and funded and is necessary to serve as a clearinghouse and point of contact.

Councilor Tousley provided a motion to approve the Billing Services Agreement between the City of Lewiston and EMS Management & Consultants, Inc. It was seconded by Councilor Schroeder and carried. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

F. ADDITIONAL OPIOID SETTLEMENTS: *Considering whether the City of Lewiston would like to participate in five additional opioid settlements as announced by Attorney General Wasden - Action Item*

Grant Writer Rose explained that the city has an opportunity to participate in additional settlements with the Attorney General’s office and she asked if the Council would like to move forward.

It was moved and then seconded by Council President Liedkie and Councilor Forsmann, respectively, to approve the City of Lewiston’s participation in the five additional

opioid settlements. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

G. ORDINANCES

1. SECOND AND THIRD READINGS

- a. Ordinance 4868: Amending Sections 19.5-12, 23-6(c), 30-22(g), 31-107(3), 31-108(1)(a), 31-115, 31-116(1)(a), 31-128(b), 31-132(e), and 42-38(c) of the Lewiston City Code related to mailed notices – Action Item*

There was a motion and second submitted by Councilors Liedkie and Schroeder to combine the second and third readings and waive the third reading in full of Ordinance 4868. The motion carried 6 to 0.

A motion was then offered by Councilor Liedkie and seconded by Councilor Kleeburg to approve the second and third readings of Ordinance 4868. The motion carried unanimously.

ORDINANCE 4868: “AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 19.5-12, 23-6(c), 30-22(g), 31-107(3), 31-108(1)(a), 31-115, 31-116(1)(a), 31-128(6), 31-132(e), AND 42-38(c) OF THE LEWISTON CITY CODE RELATED TO MAILED NOTICES; AND PROVIDING AN EFFECTIVE DATE”

2. ADOPTION AND APPROVAL OF ORDINANCE SUMMARY

- a. Ordinance 4868 – Action Item*

Council President Liedkie moved and Councilor Tousley seconded the adoption of Ordinance 4868 and approval of the related Ordinance Summary. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

IX. ITEMS MOVED FROM THE CONSENT AGENDA

A. VOUCHERS PAYABLE

Councilor Forsmann questioned the following payments:

- Lakeshore Learning and Materials – Grant Supplies: Library Director Johnson noted this was for stem materials for the Book Mobile and was paid for with Book Mobile grant monies.
- Armstrong Miller Basic Math – Finance Director Gordon reported this was for state-sponsored training through LHTAC.

- Library Service Call: It was explained by Library Director Johnson that these funds covered a security system service call to ensure all was working properly.

Council President Liedkie then asked about the payment of \$9,000 to Keller and Associates. Public Works Director Johnson replied this was for the 10th and Burrell mini-roundabout engineering design.

Councilor Schroeder moved to approve the Vouchers Payable and Councilor Forsmann seconded the motion. seconded by Forsmann. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

X. 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 Liedkie stated that today is National Law Enforcement Day and she expressed her appreciation to LPD and thanked them for their service. Councilor Kleeburg agreed, adding that it is important to recognize law enforcement and the jobs they do.

Councilor Forsmann thanked everyone for their support and patience with the birth of her new baby girl.

Councilor Tousley reported that all of the pieces for the warming facility are now in town and construction would begin tomorrow. He said he could not be more grateful for the individuals who stepped up to take this project on.

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

Councilor Schroeder announced that there is currently an opening on the Historic Preservation Commission and encouraged those interested to apply.

- C. **MAYOR COMMENTS**

Mayor Johnson announced that a public meeting regarding the Bryden Avenue Phase 1 reconstruction project is scheduled for January 17, 2023, from 4 to 6 pm at Orchards Community Church. Additionally, an open house on the Transportation Capital Improvement Plan is scheduled on January 18, 2023, from 5 to 6 pm at the Library. He encouraged the public attend to share their thoughts on the projects.

Mr. Johnson then thanked Governor Little and his staff for the good work they have been doing. He talked about various programs they are budgeting to include ongoing transportation needs, local economic transportation projects, tax relief, funding for state

police, monies to address the Fentanyl crisis, long-standing public health challenges, and continued ambulance access to rural areas.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

1. *Considering the appointment of Dennis Ohrtman to a 1-year term on the Business Improvement District Advisory Board.*

Mayor Johnson moved to approve the appointment of Dennis Ohrtman to a 1-year term on the Business Improvement District. The motion was seconded by Councilor Schroeder and carried unanimously.

2. *Considering the appointments of Tami Meyers, Garry Bush and Susie Jones to two-year terms on the Business Improvement District Advisory Board*

It was moved by Mayor Johnson to appoint Tami Meyers, Garry Bush and Susie Jones to two-year terms on the Business Improvement District Advisory Board. Councilor Tousley provided a second and it carried 6 to 0.

3. *Considering the reappointment of Leah Boots to the Historic Preservation Commission*

Mayor Johnson moved to reappoint Leah Boots to the Historic Preservation Commission. Councilor Schroeder seconded and the motion and it carried 6 to 0.

E. AGENDA TOPICS

None.

XI. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Kleeburg and Schroeder moved and seconded, respectively, adjournment of the January 9, 2023, Regular meeting at 7:30 p.m.