

January 24, 2022
Amended 02/14/2022

THE 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; Council President Liedkie; Councilor Blount; Councilor Forsmann; Councilor Kleeburg; Councilor Schroeder; Councilor Tousley.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mason Smith, Boys and Girls Club Organizational Youth of the Year, led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Public Information Officer Maurer read an email from Scott Corbitt, Valley Vision President, encouraging the Council to support economic development within the Valley, including a potential purchase of the Twin City Foods property. He urged the group to have the courage to move forward in ways that ensure the strategic growth of Lewiston.

Ms. Maurer then read an email from Ada Eldridge who expressed her opposition to the City purchasing the Twin City Foods property. She said that without a clear plan in place it doesn't make sense and asked the council to use honesty and integrity as they move forward.

Todd Blount spoke against the City purchasing the Twin City Foods property, suggesting that the money be utilized within Community Park instead.

Dick White also spoke against the City's purchase of the Twin City Foods site. Approximately 14 years ago, the City rezoned the property, against the wishes of all of the owners. To date, nothing has happened with this parcel due to the rezone and individuals have had a difficult time selling their properties because of the industrial zoning in this area. Mr. White urged the Council to not get into this type of business and to leave all risk up to the developer. He said this is not a great piece of property and even with significant preparation, things can still go wrong.

Steve Martin agreed with comments offered above regarding the Twin City Foods site, stressing he believes this is not the right time to purchase. He recommended the Council focus on the deteriorating pipes in the downtown area. Finally, Mr. Martin said he would be moving on Thursday and knows he will be leaving the City in good hands with the new Mayor and Council on board.

IV. 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".

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

- A. LEWISTON CITY COUNCIL MEETING MINUTES: 01/10/22 Regular
- B. ADVISORY BOARD AND COMMISSION MEETING MINUTES: 11/17/21 and 12/02/21 Library Board; 12/08/21 Parks & Recreation Advisory Commission
- C. ADMINISTRATIVE PLAT - BURKE ADDITION: Considering a four-lot subdivision located on the northeast corner of the 17th Street and Alder Avenue intersection in the Lewiston Orchards
- D. PRELIMINARY PLAT - NORTHVIEW VILLAGE SUBDIVISION: Considering the subdivision of approximately 4.13 acres located in the 1200 Block, between Linden Avenue and Bryden Avenue, into 24 lots
- E. VOUCHER'S PAYABLE: Considering approval of the Vouchers Payable dated 12/23/21 through 01/06/22 - \$2,834,452.71

V. ACTIVE AGENDA

- A. POTENTIAL PURCHASE OF TWIN CITY FOODS: Considering negotiating a purchase and sales agreement for the purchase of Twin City Foods

Community Development Director Von Tersch explained that the vision for the Twin City Foods property is articulated in the Downtown Master Plan and the Water Front Master Plan, with mixed use, retail and residential. The previous sales agreement was for \$2 million, with a closing date of 02/28/22. The 11.65 acres were valued at \$1.75 million and the water rights at \$.25 million, with an assessed value of \$2,747,045. This agreement has now lapsed and a price and terms would need to be negotiated. GINN pulled out because of the investment needed for an urban mixed-use neighborhood (\$150-200 million), and Lewiston's market being relatively untested in comparison with other community such as Bellevue, Washington and Portland, Oregon.

Continuing, Ms. Von Tersch noted that GINN spent 7 months on due diligence at a cost of \$115,000. They knew going in that the land was a brownfield (contaminated with

constituents of concern to the state). What they discovered is that a sizable area on the west side of the property is uncontrolled fill (dirt poured into a hole without compaction) that would either need to be excavated in its entirety and replaced with controlled density fill or minimally excavated, capped and covered with landscaping or parking lots. This portion of the property was considered the most valuable because of river views in multiple directions. The property also has title issues that practically speaking, can only be cured by the City. Ms. Von Tersch continued by explaining that Lewiston was the original owner of this ground dating back to 1874. Over time, deals were negotiated with the railroad, between the City and TCF and others leading to a pattern of described and undescribed easements and complicated ownership. Lewiston owns the dirt under the railroad tracks crossing the property. Staff has approached WATCO (the railroad) to negotiate removal of the tracks, but it is a slow process. There is also the matter of three pipes crossing under the river from the sewer lift station to a point on the north bank. These pipes were constructed by the Corps of Engineers as part of slack water to convey Lewiston's wastewater to the treatment plant and TCF's processing water north for land application. TCF believes they own one of the pipes; Lewiston believes they own all three.

Community Development Director Von Tersch said that with regard to the wastewater utility, a study prepared for Public Works demonstrates for the City to grow to the south would require a main trunk line in Tammany Creek Road, continuing north along Snake River Avenue thence easterly on or near Twin City Foods to the lift station at Fifth and the Bypass. If the City owns TCF, they wouldn't need to negotiate a price for an easement with a third party, saving time and money.

Ms. Von Tersch explained that if Lewiston purchases the property, it would have clear title, enter into a voluntary cleanup plan with DEQ, establish a vision for development with standards and subdivide it into downtown blocks. First phase infrastructure would be installed (sewer, water, storm, fiber, streets, curb, gutter and sidewalks) beginning on Fifth Street and extending east. These blocks would be very attractive to developers, including local developers, as they are unique in the market and cleared of many risks now present on the property. Purchase of less than one acre is much more affordable than purchasing 11.65 acres. To get to this point, the City would need to invest about \$2 million plus the purchase price. Much of the infrastructure funding could be secured through the infrastructure and jobs act (federal) or the State budget surplus (promised, not secured). Remediation and redevelopment of brownfields is specifically allocated \$1.5 billion. TCF is a brownfield. These funds are only available to units of governments or non-profit entities. And, one has to own the property to apply for funding. Funding requires no match under this program and the maximum grant is \$10 million.

Finally, Ms. Von Tersch said that if the Council wishes to proceed, it would be appropriate to move that the Mayor, and or staff, negotiate a sales agreement with TCF and return it for potential approval by the Council.

Councilor Liedkie questioned the actual acreage of the parcel, and Ms. Von Tersch noted that the City has been using the 11.65-acre number.

Councilor Kleeburg asked about the current zoning of the property, and questioned what the water front will even look like in 20 years. He noted that it has been suggested that the money be utilized for other projects, but explained that projects fall under various funding sources and those funds cannot be shared. He stated he would support the City pursuing the purchase, but would not approve of spending more than \$800,000 to \$1 million.

Councilor Liedkie said that she is interested in this item because of the funding. As a leader of a nonprofit, she often has to apply for funding and this is an opportunity to bring taxpayer money back to the City. She suggested there may be some creative ways to purchase the property, such as liquidating City property that is not being utilized. If grant funds can be used to begin improvements in this corner of the City, it could open doors for additional funding. She noted that the City has already invested quite a bit of money into this property. Community Development Director Von Tersch indicated City time has been invested and Councilor Blount reminded her of the \$15,000 in earnest money payments.

Councilor Forsmann asked if taxpayer dollars would be used to help fund this purchase. Ms. Von Tersch confirmed that taxpayer money would be invested.

Councilor Schroeder questioned the benefits of the City owning this property. Ms. Von Tersch explained that the three pipes under the river would be an amazing asset for future expansion of the sewer treatment system. There are currently easements and pipes that might need to be vacated, relocated or upsized and if this property were in different hands, the City would have to negotiate all of this with a third party. Further, an agreement could be reached with ITD to fix the very sharp corner, and it would be great to have waterfront residential development.

If a developer were to build condominiums on this property, Councilor Blount asked how much they would cost. Ms. Von Tersch noted they would be about \$550,000 each, but noted that if the City owned the property, they could dictate to a better extent what would be allowed to be built.

Councilor Kleeburg reiterated that the waterfront may look very different in 20 years if hydro power is replaced with nuclear power. He stressed that he is opposed to the \$2 million plus price tag of the parcel.

Councilor Tousley said he has been supportive of this purchase; however, when Twin City Foods walked away from an opportunity to continue the transaction with the City, he felt that was a good reason to reduce the price. He said he would like a better sense of the out-of-pocket costs to the City before moving forward.

Councilor Blount said he has serious concerns about the purchase. After speaking with a Brownfield Coordinator in Boise, he learned that it would take about \$5 million to clean up the property. Further, there is no place around Lewiston to dump the material and it would have to be hauled to Montana. Councilor Blount noted that grants are not free as they still have to be paid for with tax money. He emphasized he believes this is a huge waste of time and money.

Councilor Schroeder offered a motion to ask staff to meet with Twin City Foods to negotiate a contract. Councilor Kleeburg offered a second.

Councilor Kleeburg then offered an amended motion to begin the sales agreement process at an offer price of \$800,000. Councilor Liedkie seconded the motion.

Councilor Liedkie said she doesn't feel like she has enough information. While she wants to agree that other entities could go after Brownfield funding, in her experience this is available to government or non-profits only. She indicated her interest in this parcel is determining what it can do for the rest of the City. While she agrees its ok to start the offer price low, she would like to determine the price Twin City Foods would be willing to accept. Ms. Liedkie reported she is hesitant to review a purchase agreement without having a lot of questions answered first.

Councilor Forsmann agreed that additional time to review is needed. She added that she is not in favor of a huge cost to the citizens of Lewiston.

Councilor Schroeder said that everything done in the Twin City Foods area would benefit the entirety of Lewiston. At this point, it is a wart to the entire City and there is an opportunity to make it something phenomenal. People will come to Lewiston because of this project.

The motion on the floor carried 5 to 1, with Councilor Blount voting nay.

B. 2021 FEDERAL LANDS ACCESS PROGRAM FUNDING APPLICATION: *Considering authorizing the Mayor to sign the FLAP application for Snake River Avenue; Southway Bridge to 11th Avenue*

Public Works Director Johnson explained that the City applied for funding from the Federal Lands Access Program in the 2017 and 2019 application year and Council reviewed and approved the City Manager to sign the application. The City/County/ITD/Corps joint application was awarded funding for the Demolay Park Path. That project was completed in December 2021. This program awards Federal funds to provide safe and adequate transportation access to and through Federal lands for visitors, recreationists and resource users.

Continuing, Mr. Johnson reported that the City presented its 2021 FLAP Application to the Council at the December 13, 2021, session and received approval for the City Manager's signature. City staff submitted this approval application to the Western Federal Lands Highway Division on December 17, 2021. The Local Highway and Technical Assistance Council sent out a notice in late December stating that the WFLHD had made several important changes to the FLAP application due to the passage of the Infrastructure Investment and Jobs Act which updated the federal share of the proposed projects to 100 percent due to amended program requirements. The City is proposing submitting a new proposal for the 2021 Idaho Federal Lands Access Program with a larger improvement project to fully utilize the full federal match available. The revised proposal is seeking funding to provide improvements to Snake River Avenue and 11th Avenue for safe access to Kiwanis Park, Clearwater-Snake River National Recreation Trail system, Southway Boat Ramp, and the Mountain Dew Skate Park. These improvements include sidewalk, curb and gutter, and pavement installation, ADA ramps, and crosswalk on Snake River Avenue. Funding for this application is 100 percent federally funded if awarded.

Councilor Schroeder made a motion to approve authorizing the Mayor to sign the 2021 Federal Lands Access Program Funding application. The motion was seconded by Councilor Tousley and carried 5 to 1, with Councilor Blount voting nay.

- C. **COUNCIL LIAISONS TO CITY BOARDS AND COMMISSIONS:** *Considering the appointment of City Councilors as Council liaisons to the following City boards and commissions: Cemetery/Urban Forestry Advisory Commission, Code Board of Appeals, Disability Advisory Commission, Emergency Medical Services Advisory Board, Historic Preservation Commission, Library Board of Trustees, Parks and Recreation Advisory Commission, Audit Committee, and Public Works Advisory Commission*

Mayor Johnson recommended the following appointments for Council action:

- Cemetery/Urban Forestry Advisory Commission - Councilor Blount
- Code Board of Appeals - Councilor Schroeder
- Disability Advisory Commission - Council President Liedkie
- Emergency Medical Services Advisory Board
- Historic Preservation Commission - Councilor Schroeder
- Library Board of Trustees - Councilor Tousley
- Parks and Recreation Advisory Commission - Councilor Forsmann

Councilor Tousley offered a motion to approve the above appointments for one year terms. The motion was seconded by Councilor Schroeder and carried unanimously.

The Mayor recommended the following appointments to three-year terms:

- Audit Committee - Councilor Blount and Councilor Kleeburg

- Public Works Advisory Commission - Councilor Schroeder and Councilor Forsmann

Councilors Schroeder and Kleeburg moved and seconded approval of the above appointments. The motion carried 6 to 0.

- D. APPOINTMENTS TO OTHER ORGANIZATIONS:** *Considering the appointment of City Councilors, or the Mayor (as applicable), as City representatives and/or members (as applicable) to the following organizations: Lewis-Clark Valley Metropolitan Planning Organization (three elected officials or their designee(s)), Valley Vision, Lewiston-Nez Perce County Airport Authority Board, Nez Perce County-City of Lewiston Emergency Communications Joint Powers Board, Association of Idaho Cities, and Clearwater Economic Development Association (one member and one alternate)*

It was recommended by Mayor Johnson to appoint the below Councilors and staff to various organizations:

- Lewis-Clark Valley Metropolitan Planning Organization - Councilor Schroeder, Councilor Kleeburg and Public Works Director Johnson
- Valley Vision - Councilor Schroeder
- Lewiston-Nez Perce County Airport Authority Board - Councilor Liedkie
- Nez Perce County-City of Lewiston Emergency Communications Joint Powers (E911) Board - Councilor Liedkie
- Association of Idaho Cities - Councilor Tousley
- Clearwater Economic Development Association (CEDA) - Councilor Liedkie and Councilor Kleeburg as alternate

Councilor Kleeburg moved and Councilor Schroeder seconded approval of the above noted assignments of Councilors to the various organizations. The motion carried 6 to 0.

- E. URBAN RENEWAL AGENCY CITY REPRESENTATIVE APPOINTMENT:** *Considering the appointment of a City Councilor to the Urban Renewal Agency of the City of Lewiston, Idaho*

City Clerk Ravencroft called for nominations of Councilors to serve on the Urban Renewal Agency.

Councilor Liedkie questioned why an elected official cannot serve as the Chair of the Urban Renewal Agency. Administrative Services Director Marsh said he would review and provide a response, but added that he believes it is to allow leadership opportunities to others.

Councilor Liedkie nominated Councilor Tousley.

Councilor Schroeder nominated herself.

Councilor Kleeburg indicated he would like to serve as the alternate as he has been involved with the URA since its inception.

Councilor Blount stated he would be voting against any URA appointments as he would like to see the Agency disbanded.

It was moved and seconded by Councilors Schroeder and Kleeburg to appoint Councilor Tousley to the Urban Renewal Agency. The motion carried 5 to 1, with Councilor Blount voting nay.

- F. URBAN RENEWAL AGENCY CITY ALTERNATE REPRESENTATIVE APPOINTMENT:** *Considering the appointment of an alternate City Councilor to the Urban Renewal Agency of the City of Lewiston, Idaho*

Councilor Tousley appointed Councilor Kleeburg to serve as an alternate representative to the Urban Renewal Agency. The motion carried 5 to 1, with Councilor Blount voting nay.

- G. URBAN RENEWAL AGENCY PORT REPRESENTATIVE APPOINTMENT:** *Considering the appointment of Joe Anderson to the Urban Renewal Agency of the City of Lewiston, Idaho as the Port of Lewiston's representative - Action Item*

It was moved and seconded by Councilors Liedkie and Councilor Tousley to appoint Joe Anderson to the Urban Renewal Agency as the Port of Lewiston's representative. The motion carried 5 to 1, with Councilor Blount voting nay.

- H. CITY COUNCIL SUBCOMMITTEE:** *Considering the selection of a City Council subcommittee to review City Code Chapter 2 and make recommendations to the full City Council*

A motion was made by Councilor Liedkie to appoint Councilors Tousley, Schroeder and Blount to serve on a subcommittee to review City Code Chapter 2 and make recommendations to the Council. The motion failed for lack of a second.

A motion was then made by Councilor Schroeder to appoint Councilors Tousley, Schroeder and Forsmann to serve on a subcommittee to review City Code Chapter 2 and make recommendations to the Council. Councilor Kleeburg seconded the motion which carried 6 to 0.

- I. 854/858 MAIN STREET:** *Update provided by Assistant City Attorney Hermann*

Assistant City Attorney Hermann reported that on October 25th, Council directed staff to abate the nuisance building at 854/845 Main Street. Staff drafted a proposed contract for work between the City and the selected contractor, with the belief that the project would cost less than \$50,000 and not require a competitive bidding process. No price quotes were

received, so staff is now planning to formally go out to bids. Ms. Hermann said she would keep the Council apprised as this moves forward.

Councilor Kleeburg asked why the City cannot perform the work. Public Works Director Johnson replied that Public Works has not been formally asked to put something together. Building Inspector Smith added that the plan is to keep the City away from the abatement process to keep a clean line.

J. LICENSES: *Considering approval of the following renewal licenses:*

- *Alibi/Sports Edition, 1702 Main Street; Applebee's, 2235 Thain Grade; Boomer's/Zone 208, 0301 2nd Street; Boomtown, 516 Main Street; Brocks/Bravas, 504 Main Street; Bryden Canyon Public Golf Course, 445 O'Connor Road; Canter's Inn, 416 Thain Road; Corner Villa, 2110 14th Avenue; Eagles Lodge, 1304 Main Street; El Sombrero, 405 Thain Road; Hells Canyon Grad Hotel, 621 21st Street; Jollymore's, 1516 Main Street; Mandarin Pine, 833 21st Street; Pals, 301 Main Street Ste L1; Red Lobster, 2115 Thain Road; Strike & Spare Bar and Grill, 244 Thain Road; The Zoo, 2138 13th Avenue; Zany's, 2004 19th Avenue; Ernie's Steakhouse, 2305 Nez Perce Drive; Shooters, 1618 Main Street; Bojack's Broiler Pit, 311 Main Street*

A motion to approve the renewal licenses for retail liquor, retail wine by the drink and bottle, and retail beer on and off premises for the 21 businesses listed was made and seconded by Councilors Schroeder and Liedkie.

Councilor Blount questioned the cost of a liquor license. Business License Coordinator Stricker noted that a full liquor licenses costs \$762.50 per year. Mr. Blount said he would like to review the possibility of lowering this fee to make it more feasible for businesses.

The motion on the floor carried 6 to 0.

A motion was then made by Councilor Schroeder and seconded by Councilor Forsmann to approve the renewal licenses for retail liquor, retail wine by the drink and bottle, and retail beer on and off premises, subject to submittal of the required paperwork for the Elks Lodge, Lewiston Golf & Country Club, and the Wrangler. The motion carried 6 to 0.

K. ITEMS MOVED FROM THE CONSENT AGENDA

None.

VI. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Kleeburg encouraged the Council to get involved with the Inland Northwest Partners organization. He noted that this is an opportunity to meet many government officials from throughout North Idaho and to share ideas.

B. MAYOR COMMENTS

There were no additional comments by Mayor Johnson.

C. ADVISORY BOARD OR COMMISSION APPOINTMENTS

A motion was offered by Councilor Schroeder to appoint Patrick Showers, Shawn Turpin, Kevin Messick, Terry Nap, Michell Radamaker and Tim Lynch to the Code Board of Appeals. Councilor Tousley provided a second and the motion carried 5 to 1, with Councilor Blount voting nay.

Councilor Schroeder moved to reappoint Mike Larson and Laura Gifford to the Emergency Services Advisory Board. Upon a second from Councilor Forsmann, the motion carried 5 to 1, with Councilor Blount voting nay.

It was moved by Councilor Schroeder to appoint Matt Weibler to the Audit Committee. Councilor Kleeburg seconded and the motion carried 5 to 1 with Councilor Blount voting nay.

D. AGENDA TOPICS

Councilor Blount asked that a fee Resolution be prepared for a future meeting so the Council can discuss potentially lowering the cost of liquor licenses.

VII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Liedkie and Schroeder moved and seconded, respectively, adjournment of the January 24, 2022, Regular Meeting at 7:54 p.m.