

February 28, 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

Ms. Jean Gordon, Utility Billing Specialist for the City of Lewiston, led the Pledge of Allegiance.

III. CITIZEN COMMENTS

John Fisher, Lewiston, said he has been researching and presenting Lewis and Clark history across the country for over 20 years. He talked about the number of fish the Nez Perce Indians used to eat to support their dietary requirements, noting this was a time when no dams were in place and fish were extremely plentiful.

Will Godfrey, retired Idaho Fish and Game Commissioner, stated he served on a citizen's group that worked to set the rules and regulations for fall chinook. The river path from Astoria, Oregon to Idaho has been encumbered and beat up over the past 80 years and the fish runs are the lowest of all time. He suggested the Council not look at this as a zero end game, but rather a population of people coming together to make sure the steelhead and salmon populations will continue to come as the view of extinction is very close. Mr. Godfrey encouraged the Council to educate themselves with regard to the fishery situation that currently exists.

Dave Cadwalleder expressed concern that there are currently no beaches wherein citizens can enjoy the river. He addressed the slow growth rate of Lewiston while Idaho is one of the fastest growing states in the nation, future power supplies, and the economy. Mr. Cadwalleger encouraged the Council to invest in its future and to be a part of the solution.

Lauren McCollough, Idaho Outfitters and Guides Association, Lewiston, said that outfitting and guiding has been negatively impacted with regard to the decline in steelhead and salmon. She urged the Council to support the removal of the lower Snake River dams and promote free flowing rivers, boating, and fishing rather than reservoirs and cruise ships.

Marvin Dugger, spoke in favor of maintaining the dams. He stressed that the salmon and steelhead populations have not been impacted by the installation of the dams and stressed that removing them is not the right thing to do.

Mark Edelblute, Lewiston, stated he remembered when there used to be two rivers with nice beaches. He expressed his belief that anything being barged today can be handled by rail. If the levees were removed, he expressed his opinion that the Twin City Foods site might actually be a valuable piece of property. All the businesses along Snake River Avenue that once had access to the river no longer have any access. Mr. Edelblute said he believes that more retired people would move to this area if the dams were removed and Lewiston and Clarkston got their rivers back.

Susan Skully, Lewiston, said she was surprised to hear that the Council would be considering a Resolution in favor of retaining the dams. She noted that if the salmon can be saved, then it will save the economy of Lewiston and more. Stating she respects business, agriculture and community life, Ms. Skully expressed her believe that all of these things will be improved with the removal of the dams. She addressed the restoration of beaches and river banks, which would ultimately improve the community and tourism.

Keith Stonebraker, 50-year local business owner, said it is his hope that the Council will remain neutral on the topic of dams as more facts than myths will be presented over the next couple of years. He noted that barging is actually harmful to salmon and steelhead and the Federal Power Commission is looking at various power options for the future.

Public Information Officer Maurer read a letter from Dan Rudolph, Chair of the Audit Committee. He stated that the Audit Committee was formed 11 years ago in an effort to review the City's auditing function and related issues, offer suggestions and to hopefully bring value, from an independent business perspective, to the City's audit processes. He noted that the Committee has found that the Comprehensive Annual Financial Report before the Council this evening is highly thorough and the report is an unmodified clean report for the audit period. Because of the good results, once again the Government Finance Officers Association awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for the 31st consecutive year. This is a prestigious national award recognizing conformance with the highest standards for preparation of local government financial reports.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. FY'21 AUDIT PRESENTATION: Report provided by Presnell Gage

Ms. Aliverti, Presnell Gage, stated she is here tonight to formally present the audit financial statements and reports for the fiscal year ended September 30, 2021. She reported that her company has gone through the financial statements of the city in detail with the Audit Committee, as well as presented the audit to the Council at a meeting earlier in the day. The review is performed in accordance with generally accepted accounting principles. The Comprehensive Annual Financial Report contains three opinions from Presnell Gage: first is on the financial statements as a whole; second is over the city's internal control processes; and third is over the federal funding that the city receives. All three opinions were that each were unmodified or clean reports.

B. CITIZENS FOR THE RECOVERY OF IDAHO'S SALMON AND STEELHEAD: Presentation provided by Richard Scully

Richard Skully said he represents citizens for the recovery of Idaho steelhead and salmon. Frequently discussed issues with regard to the removal of dams include the need for power that is produced by the dams, farmers need to ship their grain by barge or they will suffer, and fish and dams can coexist. He stressed that power is not needed from the Snake River dams. Mr. Skully addressed a 2021 Draft Power Plan which identifies power savings and new generation that could replace the average annual power production of an estimated 50 individual lower Snake River dams.

With regard to barge transportation, Mr. Skully explained that the variety and quantity of commodities shipped on the lower Snake River has greatly decreased in recent years. There are no longer the necessary containers for barging lentils, garbanzos, dried peas, lumber and paper products. The only farm products shipped from the Snake River now are grains, and part of the annual grain export, especially from the northern part of the Palouse, is now moving by unit train from Rosalia.

Continuing, Mr. Skully said that in the 1950's and 1960's, wild salmon and steelhead runs provided healthy tribal and sport fisheries with sufficient numbers remaining for spawning in the abundant high quality tributaries of the Clearwater, Salmon, Grande Ronde and Imnaha Rivers. Since the dams were constructed, wild fish runs have plummeted. All Snake River salmon and steelhead runs are now listed as endangered or threatened. He stressed that to recover Snake River salmon and steelhead, the Lower Snake River dams must be removed. He encouraged the Council to keep an open mind and provide positive recommendations for a brighter future with free flowing rivers.

Keith Carlson, Lewiston resident for 41 years, noted that in 1987 he was appointed by Governor Andrus to the Idaho Fish and Game as a Regional Commissioner. In 1998, the Commission issued a policy statement that to save fish would require returning to a normal flowing river. Since that time, the situation for fish has gotten much worse. Mr. Carlson addressed several other reasons as to why he believes that removal of the dams is the best option.

Councilor Tousley thanked Mr. Skully and Mr. Carlson for their presentation, noting that he has worked to educate himself on both sides of the issue. He noted that Representative Simpson is proposing a multibillion dollar effort and asked how that would affect Lewiston. Mr. Carlson replied that Mr. Simpson's plan is simply a plan at this point and has not yet been put into proposed legislation. He explained there is a great deal of money, within that plan, to assist both the Port of Lewiston and the Port of Wilma, as well as waterfronts, Clearwater paper, marinas and the promotion of tourism.

Councilor Liedke questioned the impact relating to the loss of fish when the drawdowns occur. Mr. Carlson noted there is not a plan in place at this time as to how the

breach would take place. Mr. Skully said that in March of 1992, the dam was drawn down. This was a time when there was mainly resident fish in the area and not many salmon or steelhead. He said there may be a short term disruption, but in the long term it will be extremely beneficial for the fish.

Councilor Blount asked what will be told to the farmers, boaters and water skiers if the dams are removed. Mr. Skully replied that his family used to always boat and waterski when the rivers were free flowing. With regard to the farmers, he noted that several farmers are already utilizing rail and a transition plan would be in place before this would happen. Mr. Blount added that he would like to see the seals and sea lions managed at the fish ladders before talking about removal of any dams.

C. **PUBLIC HEARING: ZONING CODE AMENDMENT - ZA-08-21:** *Accepting testimony on a proposal to amend Lewiston City Code Chapter 37-41.6 and 37-41A.6 related to minimum lot width in the Normal Hill (NHN) and Normal Hill South (NHS) Zones (Hollingshead)*

Mayor Johnson announced that this was the time and place advertised for the public hearing regarding ZA-08-21. He asked that a staff report be provided.

Assistant City Planner Hollingshead reported that the Normal Hill North and Normal Hill South zones were created in 2012 to encompass the unique characteristics of these neighborhoods. As staff has worked with property owners in these zones, it was determined that more than two-thirds of the properties do not meet the minimum lot width set forth in the code. This amendment will move more of the existing properties in these zones into conformity. Ms. Hollingshead noted that this is especially important to homeowners when selling or insuring their home or in the event of having to rebuild after a fire or other catastrophic event. The Planning & Zoning Commission received no public testimony at their hearing and recommend approval.

Councilor Kleeburg asked if side yard setbacks would remain the same. Ms. Hollingshead indicated that other than width, everything else remains the same. This action would bring more of the current properties into conformance with the existing code.

Mayor Johnson called for testimony either in favor of or in opposition of the Zoning Amendment. There was none and he closed the public hearing.

D. **PUBLIC HEARING: 2022 TRANSPORTATION CAPITAL IMPROVEMENT PLAN:** *Accepting testimony on the 2022 Transportation Capital Improvement Plan*

It was announced by Mayor Johnson that the public hearing regarding the 2022 Transportation Capital Improvement Plan was advertised for this time and location. He requested a staff report.

Public Works Director Johnson explained that in February 2021, the City Council adopted the City of Lewiston Transportation Plan which includes the Transportation Capital Improvement Plan (CIP) and Project Prioritization Criteria as appendices. Annually, the City updates the Transportation CIP to prioritize and position projects for funding. The Plan serves as an evaluation of the existing transportation network, an analysis of future transportation needs, and as the Transportation Chapter of the Lewiston Comprehensive Plan.

Goals of the Transportation Capital Improvement Plan include 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, developing partnerships and leveraging funding opportunities.

Mr. Johnson discussed the various funding options for Capital projects within the Plan. He noted there are currently 145 projects that are ranked using public prioritization criteria. The Plan is updated annually, is approved by the Council on an annual basis and encouraged public input.

It is staff's recommendation that the Council review and consider the public comment, amend the Plan as necessary, and adopt the 2022 updates to the CIP.

Councilor Liedke expressed her belief that the Plan is a bit hard to navigate due to the complexity and amount of projects. She added that listing the top 25 projects separately was very helpful. Public Information Officer Maurer noted that she has been discussing various avenues with Public Works staff on how best to get this information to the community.

Councilor Tousley said he would like to show the community how the City is able to leverage their money to complete large projects. For instance, a breakdown of how much the City is paying and how much is coming from other sources. Public Works Director Johnson noted that most of the projects listed are in the cue for STP funds.

No testimony was received upon a request from Mayor Johnson. The public hearing was then closed.

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".

Councilors Tousley 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:** 02/07/22 Work Session; 02/09/22 Chapter 2 Subcommittee; 02/14/22 Executive Session; 02/14/22 Regular; 02/16/22 Chapter 2 Subcommittee –
- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** 12/08/21 Parks and Recreation Commission; 01/19/21 Library Board; 12/08/21, 12/15/21, 01/12/22, 01/26/22 Planning & Zoning Commission
- C. **ADMINISTRATIVE PLAT - NEZ PERCE TERRACE NO. 8:** Considering the creation of one new developable lot, 3.95 acres in size, along the northerly side of Nez Perce Drive between Thain Grade and Juniper Drive
- D. **VOUCHER'S PAYABLE:** Considering approval of the Vouchers Payable dated 02/04/22 through 02/17/22 - \$2,605,775.10

VI. ACTIVE AGENDA

- A. **FY'21 INDEPENDENT AUDIT REPORT:** Considering approval of the FY'21 Audit Report

Councilor Liedke moved to approve the FY'21 Audit Report. The motion was seconded by Councilor Forsmann. The motion carried 6 to 0.

- B. **RESOLUTION 2022-04:** Considering approval of the Federal Transit Administration Fiscal Year 2022 Certifications and Assurances

Public Transportation Supervisor Usher reported that the City is the recipient of funds from the FTA grant program. Contract requirements include the provision of the annual adoption of the 2022 Certifications and Assurances consistent with federal law. The City has adopted these annually since receiving 5307 funding in 2009 and is a requirement of the Federal Transit Administration.

Councilor Kleeburg noted that the City took over public transit from an outside vendor in 2009. Since that time, it has done a very good job of providing service to the citizens and the entire community. Council President Liedke agreed, stating this is a service that is moving in the right direction and one Lewiston should be proud of.

It was moved and seconded by Councilors Kleeburg and Forsmann, respectively, to approve Resolution 2022-04. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

C. **RESOLUTION 2022-02**: *Considering adoption of the City of Lewiston 2022 Transportation Capital Improvement Plan*

Upon a motion from Councilor Schroeder and a second from Councilor Forsmann, Resolution 2022-02 was approved. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

D. **RESOLUTION 2022-06** *Considering acceptance of a Dedication of Right-of-Way from McCann Ranch & Livestock Co. to the City of Lewiston*

Public Works Director Johnson reported that Mr. Bill McCann is donating right-of-way needed to complete a sidewalk connection between the Lewiston Center Mall and the intersection of 19th Avenue and 21st Street that is currently under construction. Approval of the Resolution would approve that dedication from McCann Ranch & Livestock to the City.

It was moved and seconded by Councilors Schroeder and Tousley, respectively, to approve Resolution 2022-06. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

E. **ORDINANCES**

1. **FIRST READING**

a. **Ordinance 4839**: *Amending Sections 37-41.6 and 37-41A.6 of the Lewiston City Code related to minimum lot width in the Normal Hill North (NHN) Zone and Normal Hill South (NHS) Zone*

President Liedke moved to approve the first reading of Ordinance 4839 by title only. The motion was seconded by Councilor Schroeder and carried 6 to 0.

ORDINANCE 4839: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 37-41.6 AND 37-41A.6 OF THE LEWISTON CITY CODE RELATED TO MINIMUM LOT WIDTH IN THE NORMAL HILL NORTH (NHN) ZONE AND NORMAL HILL SOUTH (NHS) ZONE; AND PROVIDING AN EFFECTIVE DATE"

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

None.

VII. **UNFINISHED AND NEW BUSINESS**

A. **CITY COUNCILOR COMMENTS**

Councilor Kleeburg wished his wife a Happy Birthday.

B. MAYOR COMMENTS

Mayor Johnson said it's been a pleasure to work with city employees and get to know them. He thanked everyone for their time, efforts, good thoughts and well wishes, adding that he looks forward to continued productive relationships with everyone at the City of Lewiston.

C. ADVISORY BOARD OR COMMISSION APPOINTMENTS

It was moved by Mayor Johnson and seconded by Councilor Tousley to appoint David Irish to the Planning & Zoning Commission. The motion carried unanimously.

Mayor Johnson and Councilor Schroeder moved and seconded the appointment of Julie Crea to the Audit Committee. The motion carried 6 to 0.

D. AGENDA TOPICS

Councilor Tousley moved to add an Open Gov training for the Council to a future work session. Councilor Kleeburg seconded. Mr. Tousley noted that this is an extremely valuable tool for the group. Councilor Kleeburg stressed that this program is the epitome of transparency in City government as it has the capability to show every step for every dollar spent. The motion carried 6 to 0.

At 7:45 p.m., it was moved and seconded by Councilors Liedke and Forsmann, respectively, to go into Executive Session pursuant to Idaho Code § 74-206(1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; and Idaho Code § 74-206(1)(d), to consider records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount.*

VIII. EXECUTIVE SESSION RE: PERSONNEL AND RECORDS EXEMPT FROM DISCLOSURE:
Idaho Code § 74-206(1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; and Idaho Code § 74-206(1)(d), to consider records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code.

The Council discussed issues related to personnel and records exempt from disclosure.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Liedke and Tousley moved and seconded, respectively, adjournment of the February 28, 2022, Regular Meeting at 9:05 p.m.