

*March 28, 2022*

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

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

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**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**

Alicia Robertson, Lewis Clark State College Early Childhood Development, led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

Mr. Mark Havens, Interlink Executive Director, reported that Interlink is in the process of preparing a strategic plan and doing a deep data dive for Interlink Board of Directors for strategic Plan and want to share this information with the public. Percentages of seniors in excess of state's percentage in Nez Perce County and Asotin County. There are thousands of people in the pipeline who will become seniors in the next 20 years. The largest bubble of people in both counties are ages 55 to 59. This would not be of concern if all the populations were growing simultaneously. In Asotin County, seniors already exceed the number of children under 18 and in Lewiston it's getting very close. Why is this? Aside from fact of low birth rate and seniors moving into the valley and young people moving out of the valley. Two thirds of Lewiston high school graduates move away from this valley and don't move back. Only about 30 percent of LHS graduates spend their lives living in the valley. They do not leave town right after graduation, but rather later in their lives. We don't have definite evidence but best guest is there are not job opportunities to keep the young people here.

Mike Lorenz addressed what he calls the McCann Feed Lot. He said he understands that general farming is allowed in this area, but a feed lot is not. Mr. Lorenz spoke to the mounds of hay, junk equipment, over 100 head of cattle, flies, and the bad smell. He said this does not make the City look very good to those driving Bryden Canyon Road. It is an eyesore and he asked the Council to address the issues.

**IV. PUBLIC HEARINGS AND PRESENTATIONS**

**A. PROCLAMATION: WEEK OF THE YOUNG CHILD - APRIL 2-8, 2022**

Mayor Johnson read aloud the Proclamation declaring the week of April 2-8, 2022, as Week of the Young Child and presented it to Ms. Alicia Robertson, LCSC Early Childhood Development.

- B. PUBLIC HEARING: ZONING CODE AMENDMENT ZA-01-22: *Accepting testimony on a proposal to amend Lewiston City Code Section 37-93.6(a)(9) regarding required traffic impact analysis in the Bryden Avenue Special Planning Area A to remove the reference to City Manager; amending Section 37-93.8(a)(5) by removing the reference to City Manager and providing that the Public Works Director may determine that the requirement for planter strips is unfeasible due to existing conditions (Hollingshead)***

Stating that this was the time and place advertised for the Public Hearing regarding ZA-01-22, Mayor Johnson opened the hearing and asked that a staff report be provided.

Assistant Planner Hollingshead explained that the change in the City's form of government has resulted in the need to amend sections of Code that referenced the City Manager. This amendment addresses these references in the Bryden Avenue Special Planning Area "A" section of the zoning code, specifically those regarding development standards as they relate to traffic generation and planter strips.

Mayor Johnson asked for testimony either in favor of or in opposition of the zoning code amendment. There being none, he declared the hearing closed.

- C. PUBLIC HEARING: PUD22-000001: *Accepting testimony on a request to rezone 1.19 acres of land located at 2435 Vineyard Avenue from Medium Density Residential (R-3) Zone to the Planned Unit Development (PUD) Zone (Hollingshead)***

Mayor Johnson noted that this evening was the time and place advertised for the public hearing regarding PUD22-000001. He opened the hearing and requested a staff report.

It was reported by Assistant Planner Hollingshead that the proposed property is 1.19 acres of R-3, Medium Density Residential, zoned land. It is located directly east of the existing Valley Medical Center complex and south of the Guardian Angel Homes assisted living complex. Naadi Healthcare LLC proposes a medical clinic at the subject property. The Comprehensive Plan specifically calls out this area to be developed to provide additional medical services and that the use of the PUD process should be utilized to accomplish that.

Continuing, Ms. Hollingshead said that the Naadi PUD is different from most PUD's as it is one single lot that will be developed with one single use building. A PUD normally requires a five-acre minimum, but the presence of the Park Central, now Valley Medical PUD across the street from the subject property allows for the property to be zoned PUD.

Lewiston suffers from a shortage of medical clinics and providers available to its population. Naadi Healthcare LLC will help to fill part of this need and the subject property is located conveniently close to other medical practitioners, as well as three care facilities. The subject property is also located on a City bus route six days per week.

Councilor Forsmann asked if this will be a general practice facility. Mr. Devan Roy, Naadi Healthcare representative, explained that it will be used for a number of outpatient, low cost, high quality, procedures and surgeries that are not currently available in Lewiston. He said he is excited for this opportunity and believes the facility will serve the entire community and the greater communities very well.

Testimony, both in favor and against, was requested by Mayor Johnson. None was provided and the hearing was 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”.

Council President Liedkie and Councilor 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:** *03/07/22 Work Session; 03/09/22 Chapter 2 Subcommittee; 03/14/22 Regular*
- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** *02/16/22 Library Board; 02/16/22 Parks and Recreation Advisory Commission; 02/23/22 Planning & Zoning Commission*
- C. **VOUCHER’S PAYABLE:** *Considering approval of the Vouchers Payable dated 03/04/22 through 03/17/22 - \$2,066,528.66*

**VI. ACTIVE AGENDA**

- A. **RESOLUTION 2022-13:** *Considering the destruction of certain Human Resources Department records*

A motion and second were offered by Council President Liedkie and Councilor Forsmann, respectively, to approve Resolution 2022-13. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

- B. **IRREVOCABLE CONSENT TO ANNEXATION AGREEMENT:** *Considering an agreement between the City and Chad Walton for property located at 3991 Lapwai Road*

Public Works Director Johnson explained that this request is from the property owner of 3991 Lapwai Road, which is located outside of the current City limits. The property owner wishes to receive city wastewater services and as part of the requirement in receiving said

services, is required to consent to annexation. Timing of the annexation shall be either the date the property becomes contiguous to the City limits, whether by itself or in combination with other properties, or at the City's discretion.

Council President Liedkie moved to approve the Irrevocable Consent to Annexation Agreement between the City and Chad Walton. Councilor Tousley provided a second. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

C. **STORMWATER CAPITAL MASTER PLAN & UTILITY AGREEMENT - CHANGE ORDER #3: Considering Change Order #3 to the Stormwater Capital Master Plan & Utility Agreement between the City and Aspect Consulting**

Public Works Director Johnson indicated that in 2017, Aspect Consulting was selected to complete a stormwater capital master plan and documentation upon which a future stormwater utility would be solidly founded. On December 11, 2017, the City Council approved Phase I and II of the Stormwater Master Plan with Aspect for \$127,416 to fund Phase I. It was agreed that payment for Phase II work would be authorized in a supplement. Consequently, Change Order #1 was approved in 2018 for \$53,485.

Continuing, Mr. Johnson reported that Change Order #2 was approved by the former Public Works Director for \$17,781, as it was 10 percent or less of the original contract and therefore authorized under the Purchasing Policy. This was for additional planning services not previously included in the original scope of work.

The proposed Change Order before the Council would be the third amendment to the contract. Since Change Order #2 was executed, Aspect incurred extra work related to developing Phase II tasks and providing support as the City worked on potential stormwater utility service areas, billing policies, and a preliminary customer database. A draft Change Order #3 was submitted to the City in the Spring of 2020, but was put on hold due to the Coronavirus Pandemic. The proposed Change Order reinitiates the project by addressing the extra services incurred for Phase II tasks and for preparation for and holding a stormwater presentation with City Council at its April 18, 2022, Special Work Session.

Councilor Blount said he would like to see this contract closed. Mr. Johnson agreed, stating the intent is to have a presentation for the Council and close out the contract.

Councilor Kleeburg noted that one of his passions has been to improve the stormwater delivery system throughout the City. He believes it would not be wise to cut it off after four years of work. He expressed support for the presentation from Aspect.

Council President Liedkie asked if there will be updates to the plan as it was created in 2018. Public Works Director Johnson reported that it would be advisable to look at the numbers before moving further ahead with the project. Ms. Liedkie stated she would like a

presentation from Aspect, as well as an explanation as to where LOID fits in. Mr. Johnson stated that between the multiple agencies that operate within the City, each component plays a different role when it comes to stormwater and it gets complicated.

Councilor Blount questioned what the \$200,000 payment was for. Mr. Johnson explained that it was the contract to compile the reports. This was completed in 2019, but it was shelved when COVID-19 hit. He noted that the remaining expenditure this evening is for a final presentation from Aspect to the City Council.

Councilor Tousley moved and Councilor Forsmann seconded approval of Change Order #3 to the Stormwater Capital Master Plan & Utility Agreement between the City of Lewiston and Aspect Consulting. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount.*

**D. ORDINANCES**

**1. FIRST READINGS**

- a. Ordinance 4843: Amending City Code Section 37-93.6(a)(9) by removing the reference to City Manager and Section 37-93.8(a)(5) by removing the reference to City Manager and providing that the Public Works Director may determine that the requirement for planter strips is unfeasible due to existing conditions**

Councilor Schroeder moved to approve the first reading of Ordinance 4843 by title only. The motion was seconded by Councilor Forsmann.

Councilor Kleeburg stressed that when trying to improve the image of Lewiston, planter strips are something that need to be seriously considered.

**ORDINANCE 4843: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 37-93-6(a)(9) OF THE LEWISTON CITY CODE BY REMOVING THE REFERENCE TO CITY MANAGER, AMENDING SECTION 37-93.8(a)(5) BY REMOVING THE REFERENCE TO CITY MANAGER AND PROVIDING THAT THE PUBLIC WORKS DIRECTOR MAY DETERMINE THAT THE REQUIREMENT FOR PLANTER STRIPS IS UNFEASIBLE DUE TO EXISTING CONDITIONS; AND PROVIDING AN EFFECTIVE DATE"**

- b. Ordinance 4844: Implementing the Council's decision in PUD22-000001, rezoning certain real property from the Medium Density Residential (R-3) Zone to the Planned Unit Development (PUD) Zone**

A motion was offered by Councilor Schroeder and seconded by Council President Liedkie to read Ordinance 4844 for the first time by title only.

Councilor Blount stated he is unsure as to what types of services Naadi Healthcare provides. City Attorney Gómez explained that when the Council is considering PUD's, they are considering the land use and not what is allowed within the PUD. Naadi Healthcare is proposing a medical facility which is an allowed use within the PUD. Blount: Unsure what Naadi healthcare actually does. Jana: When considering PUD's you are considering the land use and what is allowed. What is being proposed is a medical facility is a proposed use within the PUD. PUD's can do anything within the agreement that is an allowed use. When considering these agreements, need to look at what type of uses are allowed.

The motion carried 5 to 1 with Councilor Blount voting nay.

ORDINANCE 4844: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN PUD22-000001, REZONING CERTAIN REAL PROPERTY FROM THE MEDIUM DENSITY RESIDENTIAL (R-3) ZONE TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; APPROVING THE NAADI HEALTHCARE PLANNED UNIT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND NAADI HEALTHCARE LEWISTON LLC; AND PROVIDING AN EFFECTIVE DATE"

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

None.

**VII. UNFINISHED AND NEW BUSINESS**

**A. CITY COUNCILOR COMMENTS**

Councilor Tousley said he attended the March 16, 2022, Library Board of Directors meeting and asked Library Director Johnson to announce some great news. Ms. Johnson indicated that the final billing for the outdoor space and stage has been received and paid, wrapping up an over \$700,000 project which was fully funded by the Foundation.

Councilor Kleeburg announced that previous mayor and educator Marion Shinn passed away at the age of 101. He noted that he was a great man who did a lot for this community.

Councilor Blount thanked the Fire Department for putting out a house fire yesterday morning. He also announced that an Open House on fish and dams is scheduled for April 12, 2022, at 3:30 p.m. at the Community Center and he invited everyone to attend.

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

None.

**C. MAYOR COMMENTS**

None.

**D. ADVISORY BOARD OR COMMISSION APPOINTMENTS**

Mayor Johnson moved to appoint Chantelle Souther to the Planning & Zoning Commission. The motion was seconded by Councilor Schroeder and carried unanimously.

**E. AGENDA TOPICS**

Councilor Liedkie suggested Mark Havens come and do a full presentation rather than 3 minutes at each meeting. I think his information might help us to make future decisions. Blount seconded the motion.

**VIII. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Councilors Kleeburg and Schroeder moved and seconded, respectively, adjournment of the March 28, 2022, Regular Meeting at 6:56 p.m.