

*May 3, 2021*

**T**HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Work Session on Monday, May 3, 2021, at 3:00 p.m. at the Lewiston City Library, 411 D Street.

---

**COUNCIL MEMBERS PRESENT:** Mayor Collins; Councilor Kelly; Councilor Pernsteiner; Councilor Blakey

**COUNCIL MEMBERS ABSENT:** Mayor Pro Tem Schroeder; Councilor Miller; Councilor Bradbury

**STAFF MEMBERS PRESENT:** Alan Nygaard; Budd Hurd; Jana Gómez; Kayla Hermann; Travis Myklebust; Nikki Province; Dan Marsh; Tim Barker; Jayson Ulrich; Laura Von Tersch; Lynn Johnson; Carol Mauer; Kari Ravencroft; Brittnie Purington; Gene Harrington; Aaron Butler

**I. PLEDGE OF ALLEGIANCE**

Mayor Collins led the Pledge of Allegiance.

**II. CITIZEN COMMENTS**

*This is an opportunity for members of the public to address the City Council on agenda items or any issue of City business; provided, however, members of the public shall not address matters that are the subject of a public hearing or provide additional testimony or information on a quasi-judicial matter (e.g., Planning and Zoning matter) after the official record of such matter has been closed. Persons commenting may request that items be placed on a future agenda for further discussion; such requests are subject to approval by the City Manager or a majority vote of the City Council. Comments regarding the performance of a specific City employee are not appropriate during Citizens' Comments; instead, a meeting should be scheduled with the City Manager. The presiding officer may determine that comments regarding matters that have been previously heard and/or decided by the City Council are not appropriate for Citizens' Comments.*

*A person shall not provide comment unless and until recognized by the presiding officer. Persons providing comment shall identify themselves by their names and cities of residence, but shall not be required to disclose their mailing or home addresses. Persons making comments shall be limited to **3 minutes** each, unless additional time is allowed by the presiding officer.*

*Comments may be made: (1) in-person, (2) by emailing the City Clerk at [kravencroft@cityoflewiston.org](mailto:kravencroft@cityoflewiston.org), or (3) by calling (208) 746-3676 and leaving a message. Comments submitted by email or phone will be forwarded to the City Council. If you would like your comment to be read out loud during the meeting, please so indicate in your message. Members of the public who wish to provide in-person comment, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space and/or overflow room(s), such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at [cityoflewiston.org](http://cityoflewiston.org). The City will not provide a means for listening to the meeting outside of the designated meeting space and/or overflow room(s).*

There were no citizen comments.

**III. WORK SESSION ITEMS**

**A. SAFETY UPDATE: Update on Safety Performance for 2020 (Harrington) 10 minutes**

Risk Manager Harrington updated the Council on the city's safety performance for 2020. He reviewed the injuries sustained by city staff in the past 5 years and noted the trend for the injuries are steady around 25 per year. In 2020, the incident rate was reported at 7.9 and the severity rating was lower than 2019. Mr. Harrington said that injuries are reported by type, body part, and activity per department.

In response to Councilor Blakey's question, Fire Chief Myklebust explained that the injuries sustained by Fire Department employees while working out was on city time. Mr. Harrington noted there is a fitness committee within the Fire Department that is researching and developing workouts that are geared toward firefighters to maintain the fitness level needed while avoiding potential injuries.

**B. NEW BALLFIELD FEES: Update on proposed changes and new fees related to park amenity rentals (Barker/Ulrich) 10 minutes**

Parks and Recreation Supervisor Ulrich provided information regarding the proposed changes and new fees for ball field rentals. The department researched other outlying cities and their fee structures to gain better knowledge of what should be charged. He said the main goal is to cover the departments' costs for labor and preparation materials.

Currently Parks & Recreation ball field fees include basic or full field prep, bathroom supplies, garbage collection, field lights, water for the fields, and scoreboards. Mr. Ulrich provided a breakdown of each of the items noted above and how much each line item costs the department.

Councilor Blakey asked if city employees working at the fields wear City of Lewiston shirts so they are identifiable to the patrons. Mr. Ulrich replied that it is not required but that can be a change that is made. Councilor Blakey stated that there was a taxpayer that had reached out via email last winter regarding the ball field fee restructure and was concerned with what was being proposed. He asked if that tax payer had been a part of the restructure process and if the issues had been resolved. Parks and Recreation Director Barker replied that he had a face-to-face meeting with this individual to go over the new proposed fees. The citizen was invited to attend the Parks and Recreation Commission meeting where the topic was discussed. He noted that the Commission is in full support of the new fee structure as it will provide the users with more options.

In response to Councilor Pernsteiner, Mr. Ulrich explained that the labor cost for the crew is an hourly rate plus workers compensation. If an alcohol permit is requested for adult tournaments, then the tournament director must submit a map and plan for the designated drinking area where the alcohol must be consumed.

Councilor Kelly asked if the department is on track with facility rentals for this fiscal year compared to 2019 and 2020. Mr. Ulrich responded that in 2019 there were fewer rentals than 2020 and the current year.

Mayor Collins asked if the fee increase would allow for an excess in funds or just a break even amount for the department. Mr. Ulrich stated that the fees provide enough to break even.

C. **CITY CODE APPEALS**: Discussion of City Code appeal processes and numbers of appeals – (Gómez) 10 minutes

City Attorney Gómez explained that the city code provides the option for appeals to be made to the City Manager if there is a violation of a civil defense order. She indicated that the city manager has had one appeal in the last 90 days with regard to the Business Improvement District. The only other appeals submitted were regarding parking violations that are handled by the Police Department. Ms. Gómez suggested that the Council wait on any changes to the appeal process until the result of the initiative is decided in November. Depending on that outcome, the Council would then need to decide if the appeals should come before the Council or the mayor.

Councilor Pernsteiner stated that as city code is currently written, the appeal process is through the city manager. He said that this topic will need to be addressed comprehensively in November should the initiative be successful. Ms. Gómez confirmed.

D. **ELECTION DISCUSSION**: Discussion on considerations regarding the November 2, 2021, election (Gómez) 30 minutes

City Attorney Gómez discussed three major topics regarding the upcoming November election. She recommended that an ordinance be passed and published by the end of July if the Council chooses to make a change to the mayor's salary. This would provide the citizens considering running for mayor an opportunity to review the compensation plan.

Another decision that would need to be addressed by Council is whether a majority vote should be required to elect the mayor if the initiative is successful. If the candidates that run for mayor do not receive a majority vote, there would have to be a runoff election within 30 days.

If the initiative is successful, the Council would need to decide which date the change in form of government would become effective. Ms. Gómez explained that state law provides that the change must occur within 75 days following the election of officials.

Ms. Gómez continued by providing an update with regard to Senate Bill 111. She stated that this Bill would change council election years to even numbered years, rather than odd numbered years. In order to implement that change, if the bill passes, city officials elected this year would serve a term of 3-years through 2024. For city officials elected the following year, they would serve a 3-year term through 2026. This would then allow the city to be on the correct election cycle. The Bill also provides that any city initiatives, referendums, bonds, and levy elections could only be held in November of even numbered years. This law would not take effect until January 2024, which would not affect the initiative on this year's ballot.

Councilor Blakey asked for clarification regarding when elected officials are vested through PERSI. Human Resources Director Province indicated that elected officials vested time is 5 months.

Mr. Blakey then encouraged the current Council to seriously consider hiring and setting a salary for a city administrator if the initiative is successful in November.

Ms. Gómez explained that if the Council decides to change the mayor's salary, that would have to be done prior to the election by an ordinance that would be effective January 1, 2022. The Chief of Staff position, if chosen, could potentially be changed by the Council in January. Councilor Pernsteiner stated that he is not a proponent of the initiative for the strong mayor form of government and is hesitant to make changes, but would like to be prepared for either outcome in November.

Councilor Blakey stated that he is also not in favor of the strong mayor form of government but would like to see the council make some decisions regarding salary, benefits, and part-time or full-time employment. He also suggested discussing whether benefits, such as health care coverage, be extended to the entire Council. He would advocate for a part-time mayor and the establishment of a competitive salary for a city supervisor.

Human Resources Director Province responded to Councilor Blakey by explaining that the City's policy manual states that any employee working 30 or more hours per week is eligible for benefits. The city does not currently offer benefits to the Council and a review by the Health Trust would be needed to check on eligibility.

Councilor Pernsteiner said that he would be in favor of discussing the mayor's salary and having the discussion with the full council and supports the 50 + 1 majority vote for the November election.

Mayor Collins and Councilor Kelly both support the majority vote option. Mayor Collins asked for clarification on the run-off election and how that would affect the procedures that follow the election. Ms. Gómez indicated that the new officials would still be installed at the first meeting in January, but could potentially be under the city manager form of government until a mayor is elected. If the initiative is successful, many things would change. She explained that first and foremost, Chapter 2 of the City Code would need updated to reflect the new form of government.

Councilor Kelly asked if the council would know on election day if the initiative is successful or not. Ms. Gómez confirmed.

City Attorney Gómez explained that the ballot will have three columns that will appear to the voters. If the voter chooses to change the form of government, they will then vote for one mayor and six councilors. If the voter chooses to keep the current form of government, they would vote for the four councilor seats that are up for re-election. Mr. Nygaard included that the first column on the ballot would be to vote for the form of government, second column would be the four council members up for re-election, the third column would be the six council members and the mayor.

Ms. Gómez clarified that an option to change the total number of councilors could be included on the ballot with a resolution by the city council or the initiative process. She noted that the change would be decided by the public through the election process.

If the initiative passes, Mayor Collins asked if it would be up to the new council seated in January to decide whether or not to hire a City Administrator. Ms. Gómez confirmed.

There was consensus of the council to have an ordinance drafted to implement a majority vote for the mayor election in November. The discussion of the mayor's salary will be placed on a future work session agenda to allow for all absent councilors to be included in the discussion.

Councilor Pernsteiner asked how the current city manager contract/position is effected with regard to the outcome of the initiative. Ms. Gómez replied that there is a provision within the city manager's contract that contemplates this type of change which includes a severance provision. Councilor Pernsteiner asked if there would be termination of the city manager position if there is not one created under the new form of government and Ms. Gómez confirmed. City Manager Nygaard noted that the current contract states that the city manager and council would meet to discuss the final date and form of government changes.

**E. PUBLIC IMPROVEMENT AGREEMENT:** *Overview of the standard public improvement agreement with regard to subdivisions and land development within the city (Gómez/D. Johnson)*  
15 minutes

Public Works Director Johnson provided an overview of the Standard Public Improvement Agreement with regard to subdivisions and land development. He explained that per Lewiston City Code Section 32-47 and 48, there is a provision that allows for the developer/land owner to financially guarantee improvements that will be made to the development. This provision allows the developer/land owner to go through the process and obtain the proper permitting without actually developing the land. Contingent within city code and the Standard Public Improvement Agreement, the owner is then able to transfer ownership of the new created lots.

Councilor Blakey asked if this discussion pertains to the meeting previously held with Skyview Estates. Mr. Johnson explained that this agreement is not in direct relation to Skyview Estates but rather is a project that has been in the works for quite some time. Mr. Nygaard added that this agreement would allow the city to obtain financial security from the developer to make the final improvements to the land if the developer does not complete the project in a timely manner.

Councilor Blakey stated he believes this agreement would address issues within the city code and financially holds the developers accountable.

City Attorney Gómez noted that when a developer utilizes the agreement, it would require the Council's approval. Councilor Pernsteiner questioned if the agreement has been drafted and is ready to be used by a developer if requested. Ms. Gómez confirmed.

**F. JOINT POWERS AGREEMENT - PART 139:** *Update provided by City Manager Alan Nygaard -*  
5 minutes

City Manager Nygaard stated that there were meetings held with Nez Perce County Commissioners and Justin Coleman to discuss possible changes to the Joint Powers

Agreement (JPA). He said that he received an email from the County Commissioners stating that the only provision they wish to add to the JPA is the 139 Certification.

Councilor Blakey suggested meeting with the commissioners to further discuss the JPA and the changes the city recommended. Mr. Nygaard agreed that there are items that are still worth discussing however, he said that the commissioners made it clear that the only change they would agree on is the 139 Certification. He added that he did not feel that the JPA needed to be revised if this was the only revision.

Mayor Collins asked if there were specific questions the commissioners had regarding the certification or if they agreed to include that in the JPA. Mr. Nygaard reiterated that the commissioners did agree to the 139 Certification provision, but no other provision requests were agreed upon. Councilor Pernsteiner supported making an amendment to the JPA to include the 139 Certification and to have a meeting at a later date to discuss other changes to the agreement.

#### **IV. UNFINISHED AND NEW BUSINESS**

##### **A. *CITY COUNCILOR COMMENTS***

Councilor Blakey stated that he received an email from Nancy Randall asking when the senior nutrition program became a free program. Mr. Barker responded that any patron 59 years of age and younger are required to pay for the meal. The meal is free or by suggested donation only if the patron is 60 years of age or higher. He noted that this has been the requirement since the city took over the program in 2007 and is required by the Area Agency on Aging through Community Action Partnerships as a sponsor of the program.

##### **B. *CITY MANAGER COMMENTS***

City Manager Nygaard asked if the Council would be willing to move away from zoom meetings and back to full in person meetings going forward. There would still be option for zoom at special request if needed. The Council agreed.

Mr. Nygaard said that the draft agreement for Skyview Estates was sent last week and staff is waiting on a response.

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

There were no appointments.

##### **D. *PROPOSED WORK SESSION TOPICS* – Action Item**

Councilor Kelly suggested that the homeless/warming shelter be placed on a future work session agenda.

Councilor Pernsteiner asked when the census bureau data is published and available. City Manager Nygaard said he would look into it and provide a response. Councilor Pernsteiner added that the last ten years has been the slowest decade of growth since the 1930's and the more information gathered, the better prepared the Council will be.

**V. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Mayor Collins adjourned the May 3, 2021, Work Session at 4:20 p.m.