

May 9, 2022
Amended 06/13/2022

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

Two first-graders and first-year scouts of Cub Scout Pack #119, led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Janice Johnson, Lewiston, asked the City Council to not take a position on anti-dam breaching this evening as it would have negative results. She noted that approving Resolution 2022-11 would put the City in direct opposition with the Nez Perce Tribe. The City of Lewiston has a duty to treat that relationship with respect and to work towards a solution that would benefit both parties.

Maliik Prior, Clarkston, encouraged additional transit routes in an effort to benefit more people within the Valley.

Kenny Rail, Fish and Game employee, addressed the high population of turkeys in the Elks area. He said his office has received numerous complaints regarding the damage they are causing and asked the City to partner with Fish and Game to address this problem.

Ken Kraun, Lewiston, reported he recently sent an email to the Council addressing rising water and sewer costs, even after the bond passed that should have provided plenty of money to take care of water and sewer needs. Secondly, he expressed concern for constructing a new fire station at the busiest intersection in town. Mr. Kraun emphasized the need for four lanes as Bryden Canyon heads into Bryden Avenue as traffic is usually backed up way down the Canyon. Finally, he noted that spending millions on a Community Park is ridiculous when there are already so many parks within the City to serve the needs of the residents. Mr. Kraun stressed that the Council was elected to serve the people wisely.

Richard Skully, Lewiston, stated that he was very disappointed to see that Resolution 2022-11 declares the city's support for keeping the Lower Snake River dams. Though it states the city supports both fish and dams, there are no statements about the science, the benefits of restoring free flowing river to the community, the fact that federally subsidized barge shipping could be replaced with rail shipping, that the Lower Snake River dams do not provide power for Avista, that the power produced is surplus and sold on the wholesale market, or that steelhead will become extinct without the removal of the dams. He emphasized that it is not possible to have both fish and dams. For the

City Council to endorse this Resolution is to say they want to keep the dams and are fine with the extinction of fish.

Charlie Pottinger, Nez Perce County resident, stated that the actual data that exists supports the retention of the dams. He addressed increased fish counts since the dams were built. He emphasized that we can have fish and dams and just need to work together to increase the fall chinook runs, increase the habitat for wild fish and continue to operate the dams as they have been with evolving technology.

Tyler Mackey, Idaho Wildlife Federation, reported that Resolution 2022-11 talks about the positive aspects of keeping the dams in place, but doesn't address anything else. He noted there is no mention of the impact on the local economy or the cost to the taxpayers for keeping the dams. Since early 90's, the number of barges going through the Lower Granite lock have declined by 80 percent. Mr. Mackey suggested investing more taxpayer dollars into rail in an effort to benefit more people throughout the region. If the Council does not support the removal of the dams, then fish numbers will continue to decline.

Keith Carlson, Lewiston, explained that over the next three months, several important decisions will be made with regard to fish and dams. He noted that there may be other options available rather than to breach or not to breach and suggested the Council defer any action until they are provided with more information obtained from these decisions.

Dan Caldwell, Lewiston, indicated there is a lot of emotion and opinion regarding the Lower Snake River dams. He addressed the thousands of pelicans at the mouths of the dams eating the fish, noting that they can consume 7 pounds of fish per day. Degradation is an issue that needs to be dealt with. Mr. Caldwell stressed his belief that dams and fish can coexist.

Gary Peters, Clarkston, addressed the optional site for the fire station that he talked about at the May 2nd Work Session. He said that locating the station on airport property makes a lot of sense for the taxpayers. In full support of a new station, Mr. Peters stated he wants to make sure it is constructed in the right location, adding that the Airport Authority wouldn't be doing their jobs if they didn't try to keep an existing tenant. He noted that the airport would do everything possible to accommodate the Council if they choose to explore this option. Mr. Peters also discussed the issue of traffic, stating that future traffic projections are unknown due to growth.

Sherry Wick, Lewiston, said this is a time of energy and food shortages. Why the Council would support dam breaching when farmers rely on barges to transport their wheat and other commodities doesn't make sense. She encouraged the Council to support Resolution 2022-11, adding that there is no evidence that breaching the dams would save fish.

Jerry Legahe indicated that he raised salmon and steelhead for 36 years. He noted there are a lot of people in the puzzle to get fish to the ocean and back again as adults and noted that the highest counts of fish in history occurred in 2001 when the dams were in place.

Susan Skully, Lewiston, agreed that the Council should not make a decision on Resolution 2022-11 this evening. She noted that misinformation has been shared at previous meetings and the facts need to be presented. Ms. Skully stated she supports dam breaching as it will bring jobs to the valley, it will restore the river banks, and it will provide recreation for those who can't afford other types of activities.

IV. PRESENTATIONS AND PUBLIC HEARINGS

- A. **PROCLAMATION – NATIONAL PUBLIC WORKS WEEK**: *Proclaiming the week of May 15, 2022, as National Public Works Week.*

Mayor Johnson read aloud the Proclamation proclaiming the week of May 15, 2022, as National Public Works Week and presented it to Public Works Director Johnson.

- B. **PROCLAMATION – NATIONAL POLICE MEMORIAL WEEK**: *Proclaiming the week of May 15, 2022, as National Police Memorial Week.*

The Proclamation proclaiming the week of May 15, 2022, as National Police Memorial Week was read by Mayor Johnson and presented to Police Chief Hurd.

- C. **FINANCIAL REPORT –SIX MONTHS ENDED MARCH 31, 2022**: *Report provided by Finance Manager Gordon on the financial report for the six months ended March 31, 2022, in accordance with Idaho Code 50-208*

Finance Manager Gordon reported on the second quarter of 2022. As of March 31st, the City was through its first half of the fiscal year. Currently there are two funds that are trending ahead of the 50 percent mark. First is the Worker's Compensation Fund at 72 percent due to high claims costs. This item will most likely be on the amendment list this summer for additional money from the account's own reserves. The other fund exceeding 50 percent is Information Systems due to required license renewals due at the first of the year.

Ms. Gordon continued by explaining that a little more than half of the property taxes have been received, with the other half expected in July. General Fund revenues are right on target and include sales tax, liquor apportionment, and court revenue. EMS is a bit low, but additional claims are anticipated as summer nears. With regard to Police Retirement and Perpetual Care, the City has invested for long-term benefit. The market is not performing well this year, so these funds are below budget and even showing some loss. The plan is to stick to the investment plan over the life of these funds as they have done very well for the City in the past.

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 asked that the Vouchers Payable be moved to the Active Agenda for discussion.

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

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** 04/14/22 Special; 04/18/22 Special
- B. **ADVISORY BOARD/COMMISSION MEETING MINUTES:** 04/19/22 Emergency Medical Services Advisory Board; 03/16/22 Library Board; 04/13/22 Planning & Zoning Commission
- C. **VOUCHER'S PAYABLE:** Considering approval of the Vouchers Payable dated 04/15/22 through 04/28/22 - \$5,741,921.03 - Moved to Active Agenda Item H.1.

VI. ACTIVE AGENDA

- A. **BID AWARD: IFB-22-006 2022 WASTEWATER IMPROVEMENT PROJECT BASINS 4C, 7C AND 2B:** Considering awarding the bid to Titan Technologies, Inc., in the amount of \$1,278,348 for the Base Bid (Basins 7C and 2B) and Alternate #1 (additional work for 2B) (NOTE: Even though basin 4C is included in the project title, this basin, which was included in the bid as Add Alternate 2, is not being awarded) (D. Johnson/Kaufman)

Public Works Director Johnson reported that two bids were received with Titan Technologies submitting the lowest bid for the Base Bid (Basins 7C and 2B) and Add Alternate 1 (storm drain work involving Basin 2B) in the amount of \$1,278,348. Add Alternate 2 (Basin 4C) exceeded the budget so is not being recommended for award. Though the base bid of \$1,071,600 slightly exceeds the annual pipeline replacement budget, there are other funds in Wastewater capital available to cover the overage. Add Alternate 1 of \$186,550 was budgeted in Stormwater capital.

Councilor Kleeburg noted he is pleased to hear that this project will be completed with trenchless technology as opposed to digging up old lines and repaving.

Councilor Blount asked if this is a project that requires immediate action. Mr. Johnson explained that it is on schedule on the list of maintenance items to be completed. Engineering Projects Supervisor Kaufman noted that this project would be paid for with rate dollars within the Wastewater Fund. Councilor Blount stated that just because money is set aside for a project doesn't mean that it has to be used for that project, especially if there are other pressing issues. Councilor Kleeburg noted that this project is in correlation with the Capital

Improvement Plan. If the City fails to perform the needed replacement, it will only be more expensive in the future.

A motion and second were offered by Councilors Schroeder and Kleeburg, respectively, to award IFB-22-006 for the Base Bid and Add Alternate #1 to Titan Technologies, Inc., and authorize the Mayor to execute the agreement between the City of Lewiston and Titan Technologies, Inc.

Councilor Forsmann questioned the risks of not completing this project. Mr. Johnson replied that it is the job of Public Works staff to manage these systems. This particular item was ranked high enough in its evaluation that it showed it needed to be replaced. Often maintenance can be diverted for a couple of years, but that runs the risk of a potential catastrophic issue if deferred too long. He added that if this project is not approved this evening, it will most likely cost more in the future.

Council President Liedkie asked if this item is approved by Council, does it mean it will be completed timely and there would be no Change Orders. Mr. Johnson said it is staff's job to try to mitigate costs, but Change Orders do sometimes happen for items that are unknown. Tonight, staff has confidence in its engineers. Trenchless technology lowers that risk somewhat because there is no digging up the ground.

Ms. Liedkie then questioned the outcome if the Council chose not to approve this bid award. Engineering Project Supervisor Kaufman indicated that at least one of the pipe sections would still need to be repaired as it has a bad sag. The rest could probably be put off until next year, but this is at the risk of higher costs and additional work. He noted that this project would still be at the top of the project list next year.

Councilor Blount said he is not anti-maintenance, but feels this money could be used on other pressing projects within the City. Councilor Schroeder added that this project ranks at the top of the list. The work should be done so staff can move onto the next project.

Responding to comments made by Council President Liedkie regarding past work with Titan, Mr. Johnson explained that the benefit of having them back for another project is that staff can hold their feet to the fire to ensure the project is completed in a timely manner and that no punch list items are left undone.

ROLL CALL VOTE: VOTING AYE: *Liedkie; Forsmann; Kleeburg; Schroeder; Tousley.*
VOTING NAY: *Blount.*

- B. WW500 2019-2024 WASTEWATER COLLECTION SYSTEM IMPROVEMENTS - CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES:** *Considering approval of Task #15 and #17 Agreements between the City and J-U-B Engineers, Inc., for tasks related to construction engineering for WW057 - 2022 Wastewater Improvements Project Basin 2B and*

WW058 – 2022 Wastewater Improvement Project Basin 7C in the combined amount of \$98,800 (D. Johnson)

It was reported by Public Works Director Johnson that the RFQ for wastewater collection system improvements was put out in January 2019, with J-U-B selected. The project implements the Priority 1 capital improvements to the Wastewater Collection System recommended in the City’s Idaho Wastewater System Master Plan adopted in July 2018. The master agreement and 3 initial task orders were approved by Council in September 2019, and additional task orders for projects identified in the Wastewater Master Plan and for annual pipeline replacement projects have been seen over the term of the master agreement.

Continuing, Mr. Johnson noted that Task #15 is for construction engineering for Wastewater Project Basin 2B. The scope of work and fee is \$49,400 and would be funded by Wastewater Collections pipeline replacement budgeted funds. Task #17 is for construction engineering for Wastewater Improvement Project Basin 7C. The scope and fee is also \$49,400 and would be funded by Wastewater Collections pipeline replacement budgeted funds.

Councilor Schroeder moved to approve Task Order Nos. 15 and 17 pursuant to the Master Agreement for Professional Services between the City and J-U-B Engineers, Inc. A second was offered by Councilor Tousley. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount.*

C. BID AWARD - IFB-22-008 2022 STREET PRESERVATION - SEAL & FOG COAT:
Considering awarding the bid to Knife River Corporation - Mountain West, Boise, Idaho, in the amount of \$491,904.75 (D. Johnson)

Public Works Director Johnson indicated that street preservation is an annual project which consists of making repairs to city streets on a rotating basis and involves removal and replacement of deteriorated pavement areas, patching and overlay/chip seal, and other related rehabilitation work. Three bids were opened with Knife River Corporation submitting the lowest bid in the amount of \$591,904.75.

Council President Liedkie asked if timeliness and when work can be performed plays a role in the selection process. City Attorney Gómez noted that under Idaho Purchasing law, which all cities in the State of Idaho have to abide by, two different types of bidding are allowed. In this type of bidding, the city sets the specifications and is then obligated by state law to award to the lowest bidder if they meet all of the specifications. The other option looks at experience, financial strength, past experience, etc. Once a qualified list of bidders is created, the lowest bidder must then be selected.

A motion and second were offered by Councilors Schroeder and Kleeburg, respectively, to award IFB-22-008 to Knife River Corporation - Mountain West and authorize the Mayor to execute the agreement between the City of Lewiston and Knife River

Corporation – Mountain West. ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount.

- D. **RESOLUTION 2022-11**: Review of the survey results and considering declaring the City of Lewiston's support in keeping the Lower Snake River Dams and protecting and preserving salmon fish species (Mayor Johnson)

Councilor Tousley moved to table Resolution 2022-11. Councilor Forsmann seconded the motion. ROLL CALL: VOTING AYE: Kleeburg; Forsmann; Tousley. VOTING NAY: Liedkie; Blount; Schroeder. The motion failed for lack of majority.

Councilor Tousley stated he believes it is a waste of the city's time and energy to say it supports keeping the dams in place.

Mayor Johnson reported that the results of the sticker survey from the open house are being displayed this evening. He said he believes the event was very positive and brought a lot of people together for some great conversations. Resolution 2022-11 is now being brought before the Council for consideration.

Councilor Forsmann said she thinks there is evidence which indicates keeping the dams is the best option. However, she said she cannot support tonight's resolution as she believes the world is ever changing and she is not ready to make this decision on behalf of the city.

Councilor Schroeder said she supports the keeping of dams and salmon, but doesn't believe this is an item the Council should be voting on. What the Council chooses to do is not going to make any difference in this process.

Council President Liedkie moved to approve Resolution 2022-11. Councilor Blount seconded the motion.

Council President Liedkie said she is ready to approve this resolution as written because it says that the city wants to protect its investments. She said she believes that fish and dams can coexist and it is important to stand up for her community. She reminded everyone that this is merely policy by means of a Resolution that can be changed in the future if necessary.

Councilor Tousley said he appreciated the open house; however, he believes that those attending from out of town in support of breaching the dams was not necessarily representative of Lewiston. He expressed his opinion that the Council should not be voting on a resolution regarding this issue. If breaching does happen, funding will be available to take care of issues and the city will have to deal with that. He stated he opposes Resolution 2022-11 as the council should not be advocating on something that either will or will not happen with or without their support.

The motion to approve Resolution 2022-11 failed for lack of a majority. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount. VOTING NAY: Forsmann; Kleeburg; Schroeder; Tousley.*

E. **PROGRESSIVE DESIGN-BUILD AMENDMENT NO. 1 FOR PHASE 1B FIRE STATION 4 PROJECT**: *Considering approval of Amendment No. 1 for a sum of \$298,730 for Phase 1B and taking the project to 60 percent design (Myklebust)*

Fire Chief Myklebust addressed concerns about traffic that have been brought up with regard to the new fire station location. He shared a video on the Opticom System, noting it is used very effectively in larger cities with much higher traffic volumes. As an alarm comes in and crews prepare to leave, the traffic is stopped in front of the station via the traffic lights. With an expected 5 to 10 calls per day at this station, this emergency light system is expected to work very well.

Council President Liedkie said that she is in complete support of a new Fire Station, but is concerned with how it will be paid for. She noted that for her, it is about not knowing the budget well enough to be confident to say “yes” to a \$6.9 expenditure. She questioned when the foregone amount began and when it will no longer be needed. Finance Manager Gordon replied she believes that foregone began in FY’19. Each year the City can take a 3 percent tax increase. If not, the Council can decide by Resolution to dedicate the foregone balance or just let it go. Currently, \$1,050,000 has already been levied as part of the tax base which would then go back to the public. The only portion of the current year available taxes that could go into foregone would be the 3 percent if Council chooses a 0 percent tax increase. It would require another year of dedicating these taxes to come up with the amount needed for the station.

Councilor Tousley questioned how Mr. Peters’ proposal for a station on airport property should be addressed. Mr. Myklebust emphasized that any review of that as an option would postpone the proposed station from moving forward. Phase 1A has already been completed. Jeff Jerome, CORE Construction, indicated that his company has built 250 fire stations. Each station has different site criteria and is determined by reviewing surveys, geotechnical reports, emergency signaling, etc. A station at a new location would mean that the assessments would all need to be redone to come up with a new design and would require additional monies from the City.

Councilor Forsmann questioned the amount of money spent on the new station to date. Mr. Myklebust noted it is approximately \$550,000, which includes the property purchase at \$350,000.

Councilor Schroeder expressed her support for moving forward with the station at 5th and Bryden.

Council President Liedkie said she doesn't want to delay the project, but questioned the timeline if the Council does not approve this amendment. Mr. Jerome explained the City has 90 days to accept the amendment and move forward or to cancel the project. If staff does not notify CORE in writing with a notice to proceed and contract amendment, then by current contract, they are able to move forward by means of the city being non-responsive.

Councilor Forsmann asked who would repair the roof on the current station if the City moves out of the building. Fire Chief Myklebust noted that the Council would have to make the decision to keep the building, give it to the airport or sell it. Responding to an additional question from Councilor Forsmann, Mr. Myklebust explained the current property the station sits on is about one acre, which equates to about \$16,000 per year. The City will never own this property and will have to continue to lease it from the airport on a yearly basis. He encouraged the Council to also look at other properties besides just airport property in the spirit of public safety, adding that seconds and minutes mean lives. Councilor Forsmann expressed her support for the new station, adding that holding off construction will only cost more in the future.

Mr. Jerome explained that the current station was constructed in 1973 and most likely doesn't fit within the current guidelines of the building code. The interior, as currently laid out, would not accommodate the department's needs so it would need to be expanded which causes a huge issue with circulation. Mr. Jerome said he doesn't believe there would be any savings after bringing the current facility to code and expanding the building.

Councilor Schroeder moved to approve the Progressive Design-Build Agreement No. 1 for Phase 1B Services. The motion was seconded by Councilor Kleeburg.

Council President Liedkie assured staff that because she does not support this motion, it doesn't mean that she doesn't support the team. She stated it is important for her to fully understand the magnitude of the amount of money the City would be investing and how that would be accomplished. Further, it doesn't mean that she may not support it in the future.

As a matter of clarification to comments offered by Councilor Kleeburg, Fire Chief Myklebust stated that tonight's action would approve \$298,730 for Amendment No. 1, and added that \$1.5 has already been budgeted for FY22.

Councilor Blount expressed concern for the emergency light system, stating he believes it may be confusing and cause major traffic backups.

Councilor Forsmann questioned the consequences if this was not approved. Fire Chief Myklebust replied that staff would then need to look to the Council for direction on how to proceed.

Councilor Tousley said that the Council has been saturated with documents from the fire department over the past several months. That being said, he doesn't know what

additional information is needed. With the property already purchased and support documented for reduced call times, it seems prudent to move forward.

ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Liedkie; Blount.

- F. **FINAL PLAT – BONNALIE ADDITION**: *Considering the subdivision of approximately 6.47 acres of property located near the easterly end of Country Club Court into 2 lots (Weigand)*

It was moved by Council President Liedkie and seconded by Councilor Blount to approve the final plat for the Bonnalie Addition. Motion carried 5 to 1 with Councilor Tousley excused.

G. **ORDINANCES**

1. **FIRST READING**

- a. **Ordinance 4840**: *Repealing Section 36-45 of the Lewiston City Code regarding water shutoffs; renumbering and amending Section 36-44.1 to 36-45 regarding meter tampering; amending Section 36-46 regarding interference with and connections to hydrants; Section 36-47 regarding obstructing, drawing water from, and damaging hydrants; Section 36-50 regarding sprinkling persons on streets and sidewalks; Section 36-51 regarding the City’s right to shut off water; Section 36-55 regarding pollution and destruction of the water supply; Section 36-56(f) regarding penalties for cross-connection violations; Section 36-57 regarding right of entry of Water Division employees; Section 36-58 regarding domestic water conservation; Section 36-59 regarding penalties and fees; Section 36-63 regarding installation of meters and accounts to be kept; and Section 36-66 related to turning water on after a shut off (D. Johnson)*

Public Works Director Johnson noted that with water plant construction ongoing and the possible temporary change in redundancy to the water system during construction, staff is proposing a few Code amendments should it be required to address water conservation in a time of reduced water capacity.

Councilors Schroeder and Kleeburg moved to approve the first reading of Ordinance 4840. Motion carried 6 to 0.

ORDINANCE 4840: “AN ORDINANCE OF THE CITY OF LEWISTON REPEALING SECTION 36-45 OF THE LEWISTON CITY CODE REGARDING WATER SHUTOFFS; RENUMBERING AND AMENDING SECTION 36-44.1 TO SECTION 36-45 REGARDING METER TAMPERING; AMENDING SECTION 36-46 REGARDING INTERFERENCE WITH AND CONNECTIONS TO HYUDRANTS; AMENDING SECTION 36-47

REGARDING OBSTRUCTING, DRAWING WATER FROM, AND DAMAGING HYDRANTS; AMENDING SECTION 36-50 REGARDING SPRINKLING PERSONS ON STREETS AND SIDEWALKS; AMENDING SECTION 36-51 REGARDING THE CITY'S RIGHT TO SHUT OFF WATER; AMENDING SECTION 36-54 REGARDING WASTING OF WATER; AMENDING SECTION 36-55 REGARDING POLLUTION AND DESTRUCTION OF THE WATER SUPPLY; AMENDING SECTION 36-56(F) REGARDING PANALTIES FOR CROSS-CONNECTION VIOLATIONS; AMENDING SECTION 36-57 REGARDING RIGHT OF ENTRY OF WATER DIVISION EMPLOYEES; AMENDING SECTION 36-58 REGARDING DOMESTIC WATER CONSERVATION; AMENDING SECTION 36-59 REGARDING PENALTIES AND FEES; AMENDING SECTION 36-63 REGARDING INSTALLATION OF METERS AND FEES; AMENDING SECTION 36-63 REGARDING INSTALLATION OF METERS AND ACCOUNTS TO BE KEPT; AMENDING SECTION 36-66 RELATED TO TURNING WATER ON AFTER A SHUT OFF; AND PROVIDING AN EFFECTIVE DATE"

2. **SECOND READINGS**

- a. **Ordinance 4846:** *Granting a non-exclusive Franchise to Avista Corporation, d/b/a Avista Utilities, for the provision of electricity and gas (D. Johnson)*

A motion was made by Councilor Liedkie to read Ordinance 4846 for the second time. Councilor Schroeder provided a second. The motion carried 6 to 0.

ORDINANCE 4846: AN ORDINANCE OF THE CITY OF LEWISTON GRANTING A NON-EXCLUSIVE FRANCHISE TO AVISTA CORPORATION, DOING BUSINESS AS AVISTA UTILITIES, A WASHINGTON CORPORATION, FOR THE PROVISION OF ELECTRICITY AND GAS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID FRANCHISE AGREEMENT, RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE"

- b. **Ordinance 4850:** *Amending Chapter 2 (Administration) of the Lewiston City Code (Gómez)*

City Attorney Gómez explained that this is the second reading of Ordinance 4850 which has been reviewed by a working group of Councilors and the Mayor in response to the change in the form of government.

Council President Liedkie moved to read Ordinance 4850 for the second time and to amend Section 226 on Page 14, Letter F, #2 Public Hearings to add “and related action items”.

Councilor Liedkie moved to remove the amended motion.

Councilor Liedkie moved and Tousley seconded to approve the second reading of Ordinance 4850.

Council President Liedkie moved to amend Section 2-26, Letter F, #2 after public hearings to add “and related action items” after “public hearings”. Councilor Forsmann seconded the motion. The motion carried 6 to 0.

Councilor Schroeder moved to amend Article 4 of Chapter 2, Appointed Officers, to include the Parks and Recreation Director, Police Chief, Fire Chief, Public Works Director, and Community Development Director. Councilor Forsmann seconded the motion.

Council President Liedkie said that she cannot support this action. The citizens have voted for a change in government and there has been no need shown that this action needs to be done to protect the staff.

Councilor Kleeburg noted that there may be a different mayor in four years. If the Council is going to amend this Ordinance, it should be done the right way now. This amendment would allow the Mayor to hire and fire but only with a majority vote of the Council. Designating a few more important positions as “appointed” will provide for some added protection.

Councilor Schroeder stressed that the Directors are the individuals who come before the Council with guidance and historical knowledge and should be under the purview of the entire Council. She stressed that the amendment has nothing to do with the current mayor, and pointed out that the Council was elected to protect the assets of the City.

Councilor Schroeder indicated that she would like to add the Human Resources Director to her amendment. Councilor Forsmann agreed.

Councilor Liedkie questioned who would make appointments and perform evaluations if this amendment were to pass. Ms. Gomez indicated it would be the Mayor with a majority of the Council for appointments and the Mayor would continue to perform evaluations.

Councilor Tousley said he is in support of the amendment because he believes in checks and balances. If the Mayor brings information to the Council

which indicates a director is not doing his/her job, then the Council needs to help find another means of employment, while ensuring there is documentation in place for dismissal of employees.

The amendment carried 4 to 2, with Councilors Blount and Liedkie voting nay.

The motion to read also carried 6 to 0.

ORDINANCE 4850: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING CHAPTER 2 (ADMINISTRATION) OF THE LEWISTON CITY CODE; AND PROVIDING AN EFFECTIVE DATE"

H. ITEMS MOVED FROM THE CONSENT AGENDA

1. VOUCHERS PAYABLE

Councilor Kleeburg moved and Councilor Schroeder seconded approval of the Vouchers Payable.

Councilor Liedkie questioned the payment of \$10,000 for education and training services. It was explained that this was a 3-day leadership training for Department Directors. This \$350 per person training covered advanced leadership for Directors and covered topics like crucial conversations, leadership styles, ethics, change, etc.

Councilor Kleeburg noted that the large payment of \$4 million to IMCO General Construction was part of the bond approved by the citizens.

ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Tousley.
VOTING NAY: Blount.

VII. 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 Forsmann thanked the Fire Department for their great work on a residential roof fire earlier in the day.

B. CITY BOARDS AND COMMISSION LIAISON UPDATES

None.

C. MAYOR COMMENTS

Mayor Johnson said he spent a couple of days last week with professional firefighters in the Tri-Cities at Fire Ops. He stated he learned a lot and appreciated the experience.

Dustin Johnson touched on stormwater. We are going to update the 2018 study to get numbers revised to better reflect 2022 figures. Will come back at work session this summer and provide you with those numbers. If we do everything and don't care about costs, that will be too much. Zero is also an option, but that's not enough. I will show you every aspect and try to find the middle ground. Need feedback as to what you are comfortable with and if you want to implement a utility. Gives us a starting point to have conversations with public and large ratepayers and then come back and formalize that. Will take us many months to get this system built.

Mr. Johnson then announced that next week is Public Works Week and an event is scheduled at the fairgrounds on Thursday to demonstrate many of the different things Public Works does. He invited the councilors to attend for an opportunity to interact and get to know the staff.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

None.

E. AGENDA TOPICS

Council President Liedkie offered a motion to place the 10th and Warner and Thain intersection project on a future work session agenda. Councilor Forsmann offered a second and the motion carried 6 to 0.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Schroeder and Liedkie moved and seconded, respectively, adjournment of the May 9, 2022, Regular Meeting at 9:12 p.m.