

May 23, 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>

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

Allison Rose, Camelot 3rd Grader, led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Doug Havens, Nez Perce County Commissioner, expressed concern that the Council recently declined to take action on a Resolution in support of keeping the dams. He noted that the City provides funding to Valley Vision and CEDA, both organizations that promote things that require the dams to be in place. Further, the cruise lines are expanding and the City of Lewiston needs to support this. He encouraged the City Council to revisit the Resolution.

Joe Gish said the City cannot support the Port of Lewiston and not support the dams. He emphasized that this is pivotal for this Valley and urged the Council to bring the Resolution back for a favorable vote. Additionally, Mr. Gish said he fully supports a new fire station, but would like to see it on airport property. 50 percent of the lease money would support the airport, which then comes back to the City. Combining ARFF back into the department is not off the table, Mr. Gish stated. He encouraged the councilors to meet with Mike Isaacs and the Airport Board to discuss options. Finally, Mr. Gish asked the Council to reconsider their decision to make department directors appointed positions.

Bill Strange spoke in support of a new fire station, but disagreed with the proposed location. He said the Council would be making a \$7 million mistake if they choose to construct the facility at 5th and Bryden, emphasizing that traffic is already an issue at this intersection.

Ken Clark said he supports the new fire station but doesn't believe 5th and Bryden is the right place for it.

John Roy asked the Council to vote in opposition of the Planning & Zoning Commission's recommendation regarding the Tammany Vista development. He expressed concern for damage to residences due to blasting, stating it could destroy over 100 homes in this area.

Troy Ledgerwood encouraged the Council to hold a public hearing on the homeless shelter at 1333 G Street. Because this shelter affects the entire City, Mr. Ledgerwood said it is important for the Council to hear the testimony directly.

Shannon Rhodes, 1914 Birch Drive, asked the Council to reconsider approval of moving forward with the Tammany Vista development. She said she is very concerned about the high school already being at capacity as well as Camelot, as well as adequate water.

IV. PRESENTATIONS AND PUBLIC HEARINGS

- A. **FINANCIAL REPORT - SEVEN MONTHS ENDED APRIL 30, 2022:** *Financial report for the seven months ended April 30, 2022, in accordance with Idaho Code 50-208 - No oral report*

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 Item D, Preliminary Plat for Tammany Vista, be moved to the Active Agenda for discussion.

Council President Liedkie and Councilor Schroeder moved and seconded, respectively, adoption of the Consent Agenda as amended. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Kleeburg; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Forsmann (stepped away from the dais)*

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** *04/25/22 Regular; 05/02/22 Work Session; 05/09/22 Budget*
- B. **ADVISORY BOARD/COMMISSION MEETING MINUTES:** *04/07/22 and 04/20/22 Historic Preservation Commission - Action Item*
- C. **ADMINISTRATIVE PLAT - FLETCHER'S ADDITION:** *Considering a three-lot subdivision located on the northeast corner of the 17th Street and Alder Avenue intersection in the Lewiston Orchards - Action Item*
- D. **PRELIMINARY PLAT - TAMMANY VISTA, PHASE 1:** *Considering the subdivision of approximately 15.9 acres of property located along the extension of Ripon Avenue between 18th and 20th Streets, into 50 development lots - Action Item (Moved to Active Agenda Item VI.F.1.)*
- E. **VOUCHER'S PAYABLE:** *Considering approval of the Vouchers Payable dated 04/29/22 through 05/12/22 - \$1,282,276.13 - Action Item*

VI. ACTIVE AGENDA

- A. APPEAL OF CUP22-000002 (HOMELESS SHELTER AT 1332 G STREET): Pursuant to Lewiston City Code Section 37-185(b), considering whether to: (1) refuse to accept jurisdiction of the appeal filed by Haener Property LTD regarding the Planning & Zoning Commission's decision in CUP22-000002, in which case the Planning and Zoning Commission's decision shall be final; or (2) hold a public hearing regarding such appeal following proper notice for such public hearing - Action Item (Hermann)

A motion and second were offered by Council President Liedkie and Councilor Kleeburg to hold a public hearing on June 13, 2022, at 6:00 p.m. regarding Haener Property LTD's appeal of the Planning & Zoning Commission's decision in CUP22-000002.

Councilor Schroeder offered a substitute motion to approve the decision of the Planning & Zoning Commission. There was no second and the motion failed.

Council President Liedkie said this decision affects the entire city, but in particular, the residents and businesses in the area. She said she stands by supporting current businesses because the City cannot afford to lose any more. Councilor Forsmann agreed, adding that the Council would not be doing its job if they didn't listen to those who would be affected by the potential establishment of a homeless shelter in this area.

Councilor Schroeder said she is not in support of the motion. She explained that in 2016, it was the unanimous decision of the City Council that homeless shelters should be allowed in this area due to all of the services available. She noted that 7 months were devoted to determining appropriate locations throughout the city where shelters would be allowed. The Planning and Zoning Commission held a public hearing wherein everyone was allowed to express their views and ultimately they recommended approval. Councilor Schroeder said this is an excellent opportunity to provide a shelter where individuals have an opportunity to get sober and move into a high barrier shelter for additional services. She stressed that now is the time to provide this needed service.

Councilor Kleeburg said that after reading all the information provided, he still believes there are some serious concerns. He said he sees no harm in holding a public hearing at the City Council level.

Councilor Tousley said he has spent a lot of time reviewing the information and understands the hard work put in by the Planning & Zoning Commission. However, he believes this project deserves more input. Though he expressed his support for the shelter, he agreed the Council should gather more input from the community by means of a public hearing.

Councilor Liedkie asked that all references to City Code be provided during the public hearing.

The motion carried 5 to 1, with Councilor Schroeder voting nay.

B. ADA TRANSITION PLAN: *Considering adoption of the 2021 Annual Report for the ADA Transition Plan (D. Johnson)*

Public Works Director Johnson explained that Vitruvian Planning, LLC completed the City's first Americans with Disabilities Act Transition Plan in 2019, which was then adopted by Council in September of 2020. This is a requirement of ADA laws. This plan positions the City's facilities, policies and design standards to be consistent with draft public right-of-way design guidance and ADA requirements. The plan includes a recommendation for the City to produce an annual report on its progress in implementing the upgrades to policies, programs and public infrastructure to comply with requirements of the Americans with Disabilities Act.

Continuing, Mr. Johnson reported the Council approved the 2020 Annual Report in March 2021, with the intent to be an introduction which allowed staff to understand the methods by which they can document and report the progress made during the year. Before the Council this evening is the 2021 Annual Report for acceptance. 1.1 million invested in sidewalks and ramps to make rights of ways more easily accessible for those with handicaps. Worked with Disability Committee to further refine our efforts.

Councilor Tousley noted that the Disability Advisory Commission addressed issues for 2021 which recommended the creation of a warming shelter.

Councilor Schroeder moved to adopt the Lewiston, Idaho 2021 ADA Transition Plan Annual Report. A second was offered by Councilor Forsmann. The motion carried unanimously.

C. PURCHASE OF MOTOROLA REPEATERS AND ASSOCIATED EQUIPMENT: *Considering the authorization to purchase Motorola repeaters and associated equipment and services from Motorola Solutions, Inc., in the total amount of \$140,392.28, by piggybacking Idaho's PADD20221088 (Birdsell)*

Police Chief Hurd explained that about three years ago, extremely expensive repeater problems with the current system began. Fire, Transit, IT and the Police Department formed a working group to discuss options. Funding is already included in budget and staff is not asking for any additional monies. This will be a great opportunity for the City to update all their equipment and be on top of the hill with very low lease payments.

Police Systems Coordinator Birdsell said it was refreshing when Police, Fire, Transit and Public Works all came together to work on this project. The current repeater is covered with a piece of plastic to prevent rain from getting in. Since the 1970's, grounding issues have not been right for that tower. The backup generator is so old that staff is not even sure it will

start. With this lease agreement with the Idaho Military Division in place and installation of the new equipment, the City will not have to pay for upkeep, provide backup battery systems, air conditioning, etc.

Fire Chief Myklebust added that this has been a true team effort. Communication is the number one element and having that at one site for reliable service is what the citizens deserve.

Councilor Schroeder thanked staff for thinking outside of the box and for working collaboratively.

Councilor Tousley noted that the cost of this project was \$47,000 less than budgeted and questioned what that money would be used for. Mr. Birdsell noted that it would be used for monitoring equipment, components that allow the backup batteries to power the equipment, converters for fail safes, installation, etc. He added that \$4,500 will go to the FCC just to move the license $\frac{3}{4}$ of a mile.

A motion and second were offered by Council President Liedkie and Councilor Schroeder to approve the purchase of repeaters and associated equipment and services from Motorola Solutions, Inc. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

D. LEASE AGREEMENT: *Considering approval of a lease agreement between the Idaho Military Division, Public Safety Communications and the City of Lewiston (Birdsell)*

Councilor Forsmann moved and Councilor Tousley seconded approval of the Lease Agreement between the Idaho Military Division, Public Safety Communications, and the City of Lewiston. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

Chief Hurd thanked the current and past City Councils for their support. He stressed that this will assist with public safety for many years to come.

E. ORDINANCES

1. SECOND AND THIRD READINGS

- 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 explained that in looking through City Code, it was determined that the language in the noted sections was outdated and vague. Staff worked with legal to clean up the language and provide education to the public if ever there was an emergency or need for the plant to be down for any period of time.

It was moved and seconded by Councilors Tousley and Schroeder to combine the 2nd and 3rd readings and waive the 3rd reading in full of Ordinance 4840. The motion carried 6 to 0.

Councilors Tousley and Schroeder then moved to approve the second and third readings of Ordinance 4840 which carried unanimously.

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 HYDRANTS; 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. THIRD READING

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

It was moved and seconded by Councilors Forsmann and Kleeburg to waive the 3rd reading in full of Ordinance 4850. The motion carried 6 to 0.

Councilor Forsmann moved to approve the 3rd reading of Ordinance 4850. Council President Liedkie provided the second.

Councilor Forsmann offered a motion to postpone the 3rd reading of Ordinance 4850 to the regular meeting of June 27, 2022. Councilor Schroeder provided a second.

Councilor Forsmann explained that after hearing from several city employees regarding making Department Director's positions appointed, she felt it would be best to review the issue further to ensure that this is the best solution moving forward.

Councilor Tousley stated he believes the Council has already spent a lot of time on this and doesn't understand the need for further review. He said he isn't worried about the current mayor, but has no idea who will be in that position 8 to 12 years from now. If the Mayor has a compelling reason to release a Department Director, he can present that to the Council and they can agree. This provides accountability.

It was asked by Councilor Forsmann what would happen if the Mayor decided not to reappoint a Department Director. City Attorney Gómez replied that she doesn't have a certain answer at this point, but is reviewing the options.

Councilor Liedkie said she reached out to Department Directors and though nobody was completely for the move to making their positions appointed, they all provided well thought-out responses. She said that making this change muddies the organizational chart and removes accountability to the citizens. Ms. Liedkie said she will support the motion to postpone, but believes the Ordinance should be amended to remove this provision.

The motion to postpone tied 3 to 3, with Mayor Johnson breaking the tie by voting aye. Those in favor included Councilor Forsmann, Councilor Schroeder, and Council President Liedkie.

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

3. ADOPTION AND APPROVAL OF ORDINANCE SUMMARIES

- a. Ordinance 4840 - Action Item
- b. Ordinance 4850 - Action Item

A motion was offered by Councilor Schroeder and seconded by Councilor Kleeburg to adopt Ordinance 4840 and approve the related ordinance summary. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

F. ITEMS MOVED FROM THE CONSENT AGENDA

1. TAMMANY VISTA

Although staff has pointed out that this item is routine, Council President Liedkie noted that there still seem to be questions. She asked if staff believes this project can move forward with no issues. City Surveyor Weigand indicated the biggest concern seems to be related to blasting, but said that at this point, it is not known if the developer is even proposing that. Blasting is a permitted process that is overseen by the Fire Department and requires bonding insurance. If blasting is a part of the project, the Fire Department will be the watchful eye to ensure it takes place safely. Mr. Weigand said he also heard concerns about water, but stated that LOID has indicated that they will provide water. As far as traffic goes, a traffic study would be required prior to any construction.

Responding to Council President Liedkie, City Surveyor Weigand indicated that the original PUD was approved in 1987 with several additions approved since that time. The overall plan the current owners are using is part of the original plan.

In response to a question raised by Councilor Kleeburg, City Surveyor Weigand explained that tonight's action is to approve the basic conceptual design. The actual nuts and bolts of the project will occur following approval of the preliminary plat and will be brought back to the Council for potential approval.

Councilor Blount said he feels for the neighbors that live in this area. He asked if the City would be liable if damages were to occur from blasting. City Attorney Gómez explained that the applicant would be required to obtain a blasting permit and sign a release of liability holding the city harmless. She provided a brief overview of blasting permits and the preliminary plat process. Chief Myklebust added that the Fire Department takes blasting very seriously and keeps a close eye on both the residents and the developer. He noted that his department has done this multiple times with great success

Councilor Kleeburg moved and Councilor Schroeder seconded approval of the Tammany Vista Phase 1 Preliminary Plat.

City Attorney Gómez explained that the Fire Chief may require more insurance if he believes it is warranted for a blasting permit. Chief Myklebust noted that the Code chapter on blasting is probably the best in the state. His department takes this very seriously and will keep a very close eye on the residents and the developer. Fire staff has done this multiple times with great success.

ROLL CALL VOTE: VOTING AYE: *Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley.* VOTING NAY: *None.*

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 Schroeder said she recently attended Public Works Day at the fair building and thanked staff for a great opportunity for kids, and adults, to learn about Public Works.

Council President Liedkie noted that she has been spending time with multiple staff members. She commended Police Chief Hurd and Fire Chief Myklebust for their leadership, stating that they are respected by staff and by her.

Councilor Blount said we are living in strange times and it is hard to determine what lies in the future. There is a lot going on at the City level and he thanked the Council, Mayor and staff for their work on trying to tighten up the budget.

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

Councilor Kleeburg said that Mayor Johnson, Councilor Schroeder and himself are members of the Metropolitan Planning Organization (MPO), which represents the Valley. He noted that the group recently approved a request for a sidewalk project that will tie into the intersection at Bridge Street, 2nd Street and Diagonal and a big project to widen Memorial Bridge. He emphasized that the MPO oversees a lot of very important valley-wide projects.

- C. **MAYOR COMMENTS**

Mayor Johnson reported that in cooperation with LCSC, a new wrap on the transit buses will be unveiled on Wednesday. Secondly, he thanked businesses and homeowners who invest in the community, which will lead to some great things for the future of Lewiston.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

Mayor Johnson moved to reappoint Andrew Hanson to the Library Board of Trustees. The motion was seconded by Councilor Tousley and carried 6 to 0.

E. AGENDA TOPICS

None.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Council President Liedkie and Councilor Forsmann moved and seconded, respectively, adjournment of the May 23, 2022, Regular Meeting at 7:42 p.m.