

**MAY 24, 2021**

**T** HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, May 24, 2021, at the Lewiston City Library, 411 D Street. Mayor Collins called the meeting to order at 6:00 p.m.

**I. ROLL CALL**

*Councilors Present:* Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner.

*Councilors Excused:* Collins; Blakey.

**II. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Schroeder led the Pledge of Allegiance.

**III. CITIZEN COMMENTS:** *Provides an opportunity for citizens to address the council on agenda items or other items they wish to bring to the attention of the council. Citizens are encouraged to discuss operational issues in advance with the city manager. In consideration of others wishing to speak, please limit your remarks to three minutes.*

Johanna Frank said she is aware of an individual who will be running for City Council. She expressed her opinion that a strong-mayor form of government is what is needed in the City of Lewiston and advocated for outdoor restroom facilities where the homeless can wash their hands.

Cindy Bayner, Genesee, asked the Council to create a Resolution taking a stance against the breaching of the lower Snake River dams. The March 1992 drawdowns brought dead fish, broken pipes, destroyed marinas, a terrible stench, broken railroads, etc.

Rusty Bentz, steelhead and salmon outfitter for the last 20 years, said he has fished locally almost all his life. Steelhead are the number one fish in terms of days fished and money spent in the local economy, followed by spring chinook salmon. He said that Simpson's bill and dam removal advocates concentrate only on returning more fish back to the system. If the Lower Granite and Little Goose dams are removed, barging will no longer be an option and fish numbers can be expected to drop considerably. Mr. Bentz emphasized that fish and dams can coexist.

Councilor Bradbury said he would like to have this topic scheduled on a future agenda for discussion, rather than before the Council under Citizen's Comments.

Marvin Dugger said his group of citizens was established for the purpose of preserving fish and dams. He provided statistics on endangered fish stocks, power,

hydropower systems, etc., and stressed that breaching dams would have a catastrophic effect on Lewiston. He urged the Council to take a stand against this impending disaster.

Cherry Wick reported that the Farm Bureau strongly opposes the dam removal plan. Wheat farmers rely on the Columbia River system to barge globally and regionally. If the dams are removed, barges will no longer be able to navigate the rivers. Then, the increased use of railways and highways to transport wheat would highly increase carbon emissions. Ms. Wick stated that barging wheat is the most environmentally appropriate way of transportation. She said that there is zero evidence that removing the dams will increase fish counts. Removal comes at too high of a cost to the farmers, the beautiful region and this area's way of life.

Dick Sherwin thanked the Council for their patience and showed how dams and fish can coexist in the Columbia River system. He stressed that the facts provided to the Council tonight are not merely opinions, but rather the dam facts.

Councilor Bradbury expressed his belief that the presentation on dam breaching is not fair to others who were unaware it would be discussed this evening. He stated it should be added to an agenda so the discussion is not one-sided.

Dan Colville reported that he has shared three issues with Jason Thompson in Public Works: D Street where the railroad track has not yet been removed; Snake River Avenue and the need for a turn lane going into the Southway boat ramp; and the dangerous corner within the Valley Vista Subdivision where Valley Vista Road turns onto Knollcrest Drive. He encouraged the Council and staff look into these problems.

William Spickler, Valley Vista Addition, stated he has built four homes in Lewiston. He expressed concern that he cannot obtain a Certificate of Occupancy for his latest home because the McCann's won't finish the road for fire access. He explained that they do have curb and gravel in, but then stopped on the project. The neighbors are tired of the dust, flies and smell from the cattle. People have to put cones in their driveways so people don't use them as places to turn around. He urged the City to step up and do something to solve the issues.

City Clerk Ravencroft read comments submitted by Ged Randall wherein he expressed concern about Ordinance 4814 in that it penalizes other city ordinances. He believes this would be government overreach and could be unnecessarily abused by overzealous city employees. Only those ordinances related to the safety of children should be included. Additionally, for the benefit of everyone, the term "child endangerment" should be defined within the Ordinance which should limit the potential abuse of enforcement and let care providers know their limits.

**IV. PRESENTATIONS AND PUBLIC HEARINGS**

- A. **YOUTH LEADERSHIP COUNCIL UPDATE:** *Presentation on the accomplishments of the Youth Council over the past year*

Youth Leadership Council Members Lilly Eggers, Josh Tatco, Sydney McRoberts Alison Jacks, Alexa Anderson, Kalen Kelly attended the meeting.

Josh Tatko reported on the group's mission statement, followed by Lily Eggers noting that most of their meetings, due to COVID, were held virtually. The group has not done as much as it wanted to, but did focus on things they would like to improve such as the mental health of youth, homelessness and youth, and youth activities. The Council was fortunate to learn about local government and fire responders, to name a couple.

Sydney McRoberts noted that the Council met with Michelle King at the Valley Resource Center. They toured the facility and subsequently made a video promoting this organization for valley youth. The Center provides after school programming for anybody under the age of 18, and has rooms, showers and food available. There are a number of volunteers and it is this group's goal to get the word out that this is a place for kids to go and hang out.

Kalen Kelly reported that the Council would like to build upon their previous goals through retention. They look forward to bringing in more students through an application process that will be held two different times throughout the year.

Councilor Miller commended the Youth Leadership Council, as well as Jason Ulrich for creating this group and leading them to accomplish things even when obstacles exist. Both Alison Jacks and Sydney McRoberts will be graduating this year so she encouraged others to apply on the city's website, noting that a lot more in-person things will be done this coming year.

- B. **FINANCIAL REPORT:** *Provided by Administrative Services Director Marsh in accordance with Idaho Code 50-208 – No oral report*

Councilor Bradbury asked how much revenue the Administrative Services Department receives from Utilities. Mr. Marsh explained that the nature of the service charges is late fees from utilities. He noted the total received from Water, Sewer and Sanitation is about \$1.5 million which are captured under the General Fund as service charges.

On page 4, Councilor Bradbury questioned how much of the \$29 million budget is from charges to utilities. Mr. Marsh said he would review

and provide a response, but noted the approximate \$6.5 to \$7 million captures the City Manager's office, Council, Legal, Human Resources, etc., and is divided up based on cost allocations and time studies. He noted that about this same amount is also allocated back to Water, Sewer and Sanitation.

Regarding the Sanitation Fund, Councilor Bradbury said he understands that the amount the ratepayers are paying is about \$1 million more than what the city is paying the independent contractor. Mr. Marsh to review and provide a breakdown of expenses. He did note that the contractor is included within the expenses of \$6 million.

## V. CONSENT AGENDA

Mayor Pro Tem Schroeder 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".

- A. CITY COUNCIL MEETING MINUTES: 04/26/21 Regular – Action Item
- B. ADVISORY BOARD AND COMMISSION MEETING MINUTES: 03/17/21 Parks and Recreation Advisory Commission – Action Item
- C. FINAL PLAT - CANYON RIVER ESTATES, BLOCK 2: Considering the re-plat of approximately 9.08 acres of Block 2 of Canyon River Estates into 2 lots and one undevelopable tract – Action Item (Weigand)
- D. VOUCHERS PAYABLE: 04/30/21 through 05/13/21 - \$1,403,226.32 - Action Item

Councilors Miller and Pernsteiner moved and seconded, respectively, adoption of the Consent Agenda. ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Blakey.

## VI. ACTIVE AGENDA

- A. RESOLUTION 2021-19: Considering declaring various items of City of Lewiston property to be surplus and providing for the auction of said surplus property– Action Item (Schwank)

Purchasing Agent Schwank explained that surplus items will be sold using an online auction website, either PublicSurplus.com or GovDeals.com,

depending on who ultimately provides the more favorable payment collection terms and conditions. In the past, bidders paid the city directly.

A motion and second were offered by Councilor Bradbury and Councilor Pernsteiner, respectively, to approve Resolution 2021-20. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Blakey.*

**B. STANDARD PUBLIC IMPROVEMENT AGREEMENT: *Considering approval of the Standard Public Improvement Agreement – Action Item (D. Johnson)***

Public Works Director Johnson noted that this topic was discussed with the Council at its May 3, 2021, Work Session. If approved, the proposed form of the agreement would be presented by staff to developers, indicating that Council has given its preliminary approval to the terms of the agreement. Mr. Johnson said that any agreement the city actually seeks to enter into would come back to the Council for formal and final approval per City Code 32-40, Construction Plans and Specifications.

It was moved and seconded by Councilors Miller and Kelly to approve the Standard Public Improvement Agreement. The motion carried 5 to 0, with Mayor Collins and Councilor Blakey excused.

**C. AMERICA RESCUE ACT FUNDING: *Update on expected funding and potential expenditure options – Action Item (Nygaard)***

City Manager Nygaard reported that the first round of the America Rescue Act funding has been received by the city. There is a significant set of rules and regulations that go along with spending that money. He noted that there are other organizations and individuals who would like to see this money spent in particular ways and the Council and staff will work through that during the budget process. Mr. Nygaard reported that there are a large number of funding sources available for non-profit organizations and the city is assisting them through the application process. He encouraged those with projects to apply for the available America Rescue Plans dollars.

**D. COMMUNITY STRATEGIC PLAN: *Update on the proposal from Points Consulting, Moscow, Idaho (Nygaard)***

It was explained by Mr. Nygaard that the Community Strategic Plan has been part of the city's plan for several years. Last year staff was ready to kick off the process and COVID-19 impacted their ability to meet with community members and groups. The city has partnered with Beautiful Downtown Lewiston, the Boys and Girls Club, the Chamber of Commerce and Valley Vision to assist in this effort.

Continuing, Mr. Nygaard said the city is fortunate to have a consultant within the area that can help work through the Community Strategic Plan. The proposal is a full program for the development of the Community Plan and is more robust than originally anticipated for the \$30,000 budget. Because Point Consulting is from Moscow and has done previous work in the LC Valley, they can produce the completed product for less money than what was expected from a vendor outside the area. Project completion time is also less than originally contemplated.

No Council action was needed.

**E. ORDINANCES**

**1. First Readings**

- a. **Ordinance 4818:** Amending the definition of temporary vendor in Section 21-2 of the Lewiston City Code, amending Section 21-26(a)(5) of the Lewiston City Code regarding the grounds to deny an application for a child care facility or preschool facility business license or suspend or revoke an existing child care facility or preschool facility business license – Action Item (Stricker)*

Business License Coordinator Stricker reported that with the extensive Chapter 21 rewrite adopted by Council in January 2021, an incorrect reference to Article IV in the definition of “temporary vendor” is being requested to be removed through Ordinance 4818. This document will also amend City Code Section 21-26(a)(5) by adding child endangerment to the list of offenses and violations that serve as grounds for suspension and revocation of a child care facility’s business license.

Councilor Miller offered a motion to approve the first reading of Ordinance 4818 by title only. Councilor Pernsteiner seconded the motion.

Councilor Bradbury expressed his opinion that if criminal standards are going to be incorporated into the Ordinance, then the definition of child endangerment should be included within the document. City Attorney Gómez explained the intent of the inclusion is to capture any state or federal law with regard to any violation related to child endangerment. Child Endangerment: Jan: Under State Code of Child Endangerment. Further, Councilor Pernsteiner explained that this isn’t about enforcing child endangerment. It

merely refers to any person who has already violated and been convicted of a state or federal charge of child endangerment.

The motion to read carried 5 to 1 to 0, with Councilor Blakey excused and Councilor Bradbury voting nay.

ORDINANCE 4818: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING THE DEFINITION OF TEMPORARY VENDOR IN SECTION 21-2 OF THE LEWISTON CITY CODE, AMENDING SECTION 21-26(a)(5) OF THE LEWISTON CITY CODE REGARDING THE GROUNDS TO DENY AN APPLICATION FOR A CHILD CARE FACILITY OR PRESCHOOL FACILITY BUSINESS LICENSE OR SUSPEND OR REVOKE AN EXISTING CHILD CARE FACILITY OR PRESCHOOL FACILITY BUSINESS LICENSE; AND PROVIDING AN EFFECTIVE DATE"

2. *Second and Third Readings*

- a. *Ordinance 4813*: *Considering amending Section 21-5(a) and (b) of the Lewiston City Code related to criminal history checks for armored car delivery service applicants and employees- Action Item (Stricker)*

A motion and second to combine the second and third readings and to waive the third reading in full of Ordinance 4813 were made by Councilors Pernsteiner and Kelly. There were no objections and the motion carried 6 to 0, with Councilor Blakey excused.

A motion was then made by Councilor Miller to read Ordinance 4813 for the second and third times by title only, with a second provided by Councilor Kelly. The motion carried 6 to 0, with Councilor Blakey excused.

ORDINANCE 4813: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC21-000003, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE AGRICULTURAL TRANSITIONAL 9f-2) ZONE AND INCLUDED IN THE SUBURBAN RESIDENTIAL (R-1) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE"

- b. *Ordinance 4815*: *Amending, repealing, enacting and renumbering various sections in Chapter 35, Article IX of the Lewiston City Code related to public assemblies - Action Item (Hermann)*

It was moved and seconded by Councilors Miller and Pernsteiner to combine the second and third readings and to waive the third reading in full of Ordinance 4815. The motion carried 5 to 0, with Mayor Collins and Councilor Blakey excused.

Councilors Miller and Pernsteiner then moved and seconded, respectively, to approve the second and third readings of Ordinance 4815 by title only. This motion carried 6 to 0, with Councilor Blakey excused.

ORDINANCE 4815: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING, REPEALING, ENACTING, AND RENUMBERING VARIOUS SECTIONS IN CHAPTER 35, ARTICLE IX OF THE LEWISTON CITY CODE RELATED TO PUBLIC ASSEMBLIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE"

3. Adoption and Approval of Ordinance Summaries

a. Ordinance 4813 - Action Item

b. Ordinance 4815 - Action Item

It was moved and seconded by Councilors Pernsteiner and Miller to adopt Ordinances 4813 and 4815 and to approve the related ordinance summaries. ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Blakey.

F. REASONED STATEMENT - ZNC21-000003: Considering approval of the Reasoned Statement for ZNC21-000003 - Action Item (Hollingshead)

Councilor Kelly moved and Councilor Pernsteiner seconded adoption of the Reasoned Statement for ZNC21-000003. The motion carried 6 to 0, with Councilor Blakey excused.

G. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

VII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Mayor Pro Tem Schroeder offered best wishes to retiring Assistant Fire Chief Gaylon Waits, noting that he will be missed.



Councilor Bradbury expressed his concern for individuals using Citizen Comments as a means of presenting evidence at a hearing. The topic of dam breaching affects the entire region and others were denied the opportunity to express their views because the topic was not advertised. By not getting all perspectives, Mr. Bradbury said this city is facing the possibility of a financial disaster.

Councilor Miller expressed appreciation to the Police Department for ensuring that the dance held by the Gay/Straight Alliance Club of the Lewiston High School this past weekend was a safe environment. She expressed the importance of all people feeling welcome in the community and again noted that they were all able to have a great weekend with the help of the Police.

Councilor Pernsteiner said he appreciates the Youth Leadership Council and would like to see more ways to interact with that group. He thanked all those that participated under Citizen Comments this evening, noting that this is the platform to express comments to the Council. Though he feels it would be great to have a forum, he encouraged all to make their voices heard.

Councilor Kelly thanked the Youth Leadership Council, stating that he looks forward to seeing what they can do in the future.

Mayor Collins agreed that the topic of dam breaching is probably something the Council should discuss in the future at a specified time and place; however, Citizen Comments allows individuals an opportunity to speak on whatever they would like for the Council to hear. He noted that Councilors have listened for hours on topics that are one sided in the past and it is not this group's place to try to dissuade individuals from coming to the meetings.

**B. CITY MANAGER COMMENTS**

Public Works Director Johnson reported that with the upcoming Water Plant reconstruction, it is expected that the plant will be completely down this spring and the existing well system within the city will be utilized during that time. Staff has been in the process of upgrading the system in preparation by repairing a squeak in Well #1 and preparing to replace the pump in Well #2. Mr. Johnson said it is amazing to see how Public Works employees can use resources they have to make more water, all in-house.

**C. ADVISORY BOARD AND COMMISSION APPOINTMENTS**

There were no new advisory board or commission appointments.

**D. AGENDA TOPICS - ACTION ITEM**

There were no new topics offered for future agenda discussion.

**VIII. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Councilors Miller and Pernsteiner moved and seconded adjournment of the May 24, 2021, Regular Council Meeting at 6:27 p.m.

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Kari Ravencroft, Recording Secretary

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Date approved by City Council