

June 27, 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. Council President Liedkie 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 (via Zoom); Council President Liedkie; Councilor Blount; Councilor Forsmann; Councilor Kleeburg; Councilor Schroeder; Councilor Tousley (via Zoom).

I. CALL TO ORDER

Council President Liedkie called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Members of the Lewiston Little League All Stars led the Pledge of Allegiance.

III. CITIZEN COMMENTS

None.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. FINANCIAL REPORT - MAY 2022: *Financial report for the eight months ended May 31, 2022, in accordance with Idaho Code 50-208 - No oral report*

B. PUBLIC HEARING: ZNC22-000004 - MARK DEATLEY: *Accepting testimony on a request to rezone a portion of Lot 1, Block 29 of Lewiston Orchards Tract No. 3. Specifically, the western 190 feet by 105 feet located immediately south of 3514 5th Street, containing approximately .458 acres, from Low Density Residential (R-2A) Zone to Airport (A) Zone - Hollingshead*

Council President Liedkie announced that this was the time and place advertised for the public hearing regarding ZNC22-000004. She opened the hearing and asked that a staff report be provided.

Assistant City Planner Hollingshead shared pictures of the subject property. She reported that this property is currently vacant land, with the Airport property bordering the south and west sides. It is one of only three existing residential properties that abuts the Airport property and zone. Because of the unique land arrangement, the applicant purchased this property to be able to build a single family residence and an airplane hangar so that he may easily access the Airport runways with his plane. FAA rules prevent hangar access to the secured airport property from residentially zoned lands, leading the applicant to request a rezone. City Code prohibits single family dwellings from being built in the Airport Zone, creating a unique property that, pending approval, will be zoned part Airport and part R-2A. The subject property would be created via an administrative plat, breaking it off from the adjacent residence at 3514 5th Street. The platted property will meet the requirements of the R-2A Zone for lot width, depth, and overall size. The Airport Zone does not

have lot size standards. The applicant has been working with both the Airport Manager and the FAA to make sure that his project complies with their requirements, as well as those of the City.

Ms. Hollingshead stated that the Planning & Zoning Commission conducted a public hearing on this matter and voted unanimously to recommend approval to the City Council.

Council President Liedkie called for testimony, both in favor and in opposition.

Public Information Officer Maurer read two letters from Ada Eldridge and Richard Eldridge. Both were in opposition to the rezone, as they felt a member of the Planning & Zoning Commission was providing a favor to Mr. DeAtley as he has done a lot for this community financially. Mr. and Mrs. Eldridge asked the Council to review these poor actions of the Commission.

Council President Liedkie clarified that the subject property is currently vacant and Ms. Hollingshead confirmed. Ms. Liedkie then asked if Fire and Engineering had any comments regarding this project. Ms. Hollingshead indicated they had no objections and staff recommends approval.

Councilor Tousley reminded everyone that the residential construction would be added to the City's tax rolls.

Assistant City Attorney Hermann addressed Ms. Eldridge's comments. She noted that the Planning & Zoning Commission reviewed all criteria before making their recommendation. Though the Chair did make a comment, Ms. Hermann stated she has no knowledge of any illegal dealings or quid pro quo associated with this application.

Council President Liedkie closed the public hearing.

C. PUBLIC HEARING: VA-03-2022 - PUBLIC RIGHT-OF-WAY VACATION REQUEST: PETITIONERS - MICHAEL AND THERA FOLLETT: *Accepting testimony on a request that the City vacate a portion of Snake River Avenue right-of-way west of Lots 1, 2, 3, and 4 of Block 3 of Hazeldell Addition (1225 Snake River Avenue) to the City of Lewiston (Weigand)*

It was noted by Council President Liedkie that this was the time and place advertised for the public hearing regarding VA-03-2022. Upon declaring the hearing open, she asked that a staff report be provided.

City Surveyor Weigand explained that the applicants are requesting to vacate a portion of Snake River Avenue right-of-way west of Lots 1, 2, 3, and 4 of Block 3 of Hazeldell Addition (1225 Snake River Avenue) to the City of Lewiston. The Public Works Department will support the proposed vacation contingent upon the City Council retaining a public utility easement within the vacated right-of-way area and a favorable public hearing outcome.

Continuing, Mr. Weigand noted the applicants have submitted the necessary application and fee, and all applicable State Code Sections and the City ordinance have been followed. Staff recommends approval if the Council determines no property rights would be affected adversely or damaged, and that such vacation is expedient for the public good.

Council President Liedkie called for testimony, both in favor and in opposition, of the request. None was provided and the hearing was closed.

V. CONSENT AGENDA

Council President Liedkie 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”.

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

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** 05/09/22 Regular; 05/23/22 Budget #2; 05/23/22 Regular – Action Item
- B. **ADVISORY BOARD/COMMISSION MEETING MINUTES:** 02/24/22 Business Improvement District Advisory Board; 04/27/22 and 05/11/22 Planning & Zoning Commission – Action Item
- C. **RESOLUTION 2022-20:** Considering accepting a public water utility and access easement from Merrell Holdings I, LLC to the City of Lewiston – Action Item
- D. **VOUCHER’S PAYABLE:** Considering approval of the Vouchers Payable dated 05/13/22 through 05/26/22 - \$2,990,102.34 – Action Item

VI. ACTIVE AGENDA

- A. **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS RELATED TO AP-01-22:** Considering approval of the Reasoned Statement for AP-01-22, an appeal of the decision of the Planning & Zoning Commission in CUP22-000002 (Hermann)

A motion was offered by Council President Liedkie to postpone the Reasoned Statement to the July 11, 2022, Council meeting, as the city’s legal department would like further time for review. Councilor Tousley provided a second and the motion carried unanimously.

- B. **RESOLUTION 2022-21:** Considering vacating a portion of the public right-of-way in VA-03-2022 and reserving an easement (Weigand)

It was moved by Councilor Kleeburg to approve Resolution 2022-21. The motion was seconded by Councilor Schroeder. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

- C. **PURCHASE OF VACTOR SEWER CLEANING TRUCK:** *Considering the authorization to purchase a Vactor Sewer Cleaning Truck from Owen Equipment Company, in the total amount of \$476,617.53, by utilizing the Sourcwell contract (Ellison)*

Utility Systems Manager Ellison explained Wastewater would like to purchase one Vactor jet/vac sewer truck from the regional dealer for Vactor equipment by utilizing the Sourcwell Vactor contract. This purchase would replace a 2015 Camel jet/vac with approximately 3,181 hours and 20,224 miles. Mr. Ellison noted that these vehicles run harder and wear out faster than normal vehicles and staff is just trying to stay ahead of the curve. Public Works Director Johnson added that though the vehicle was included in the 2022 budget, it will most likely not be received until 2024.

Councilor Forsmann asked if the current vehicle needs to be replaced because it will soon be out of commission. Mr. Ellison replied that staff tracks the maintenance costs and then determines the price for trade-in in order to prevent spending more in maintenance than what the vehicle is worth. By the time the sewer truck is delivered in a year and a half or two years, he said he imagines that the City will have paid more in maintenance than the trade-in value.

Councilor Kleeburg said that once vehicles get so old, they need to be retired. He stated he is not opposed to this purchase.

Councilor Schroeder moved to approve the purchase of a Vactor Sewer Cleaning Truck from Owen Equipment Company for \$476,617.53. Councilor Kleeburg seconded the motion. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Blount.*

- D. **CONSIDERATION OF AN AMENDMENT TO AN EMPLOYMENT SEPARATION AND RELEASE AGREEMENT:** *Considering a request for an amendment to the Employment Separation and Release Agreement between the City of Lewiston and Dan Marsh (Mayor Johnson)*

City Attorney Gómez explained that a few months ago the council approved an employment separation agreement with Dan Marsh wherein he would continue as a paid employee through September 30, 2022. Further, Mr. Marsh would receive a payout for 400 hours of vacation after September 30th and his eligible sick leave would be paid into a VEBA account per City policy. A few weeks ago, Mr. Marsh contacted Mayor Johnson to ask for an amendment which was brought before the Council at its June 13th Council meeting. Council asked staff to draft an amendment for consideration. Mr. Marsh reviewed that amendment which provided he would take vacation in October, November and December rather than a payout, estimating it to run out in mid-January, 2023. Upon review, Mr. Marsh requested

further amendments to include holiday pay beyond September 30, 2022, and an additional 30 hours of vacation that would normally be purged at the end of the year. Staff then drafted another amendment outlining these new requests. Before the Council this evening is both Amendment A and Amendment B, but it was noted that Mr. Marsh strongly prefers Amendment B. Both parties must agree, and if they cannot, it would defer back to the original separation agreement.

Councilor Kleeburg said he would prefer to have this discussion with the entire Council, in person, rather than on Zoom. He stated at this time, he is not in favor of Amendment B, stressing an issue with Mr. Marsh accumulating additional vacation time. Councilor Blount agreed.

Councilor Schroeder stated that Mr. Marsh was displaced from his position due to reorganization and not by any negative action on his part. He served the City for 25 years and the second amendment will get him close to his PERSI requirements but not to the point he wanted to achieve as an employee.

Councilor Tousley said he could support Amendment A, but will not support Amendment B. If the Council would like to wait to discuss this with the entire group in person, he would support that suggestion. Councilor Forsmann said additional time would be beneficial.

Councilor Kleeburg added that Amendment B is unprecedented and would have an additional cost to the City. Council President Liedkie added that she believes the original separation agreement matches those of past City Managers. She entertained a motion for purposes of moving forward.

Councilor Schroeder moved to approve Amendment B. There was no second and the motion failed.

Councilor Schroeder then moved to approve Amendment A. Councilor Tousley seconded the motion. The motion failed. *ROLL CALL VOTE: VOTING AYE: Schroeder; Tousley. VOTING NAY: Liedkie; Blount; Forsmann; Kleeburg.*

E. ORDINANCES

1. FIRST READING

- a. Ordinance 4854: *Implementing the City Council's decision in ZNC22-000004, declaring that certain real property be removed from the Low Density Residential (R-2A) Zone and included in the Airport (A) Zone - Action Item (Hollingshead)***

Councilor Schroeder offered a motion to approve the first reading of Ordinance 4854. Councilor Kleeburg provided a second and it carried unanimously.

ORDINANCE 4854: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC22-000004, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE LOW DENSITY RESIDENTIAL (R-2A) ZONE AND INCLUDED IN THE AIRPORT (A) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE"

2. THIRD READING

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

A motion to waive the third reading in full of Ordinance 4850 was made by Councilor Forsmann and seconded by Councilor Tousley. The motion carried 6 to 0.

Councilor Forsmann then moved and Councilor Kleeburg seconded approval of the third reading of Ordinance 4850.

Councilor Forsmann offered a motion to remove all directors for appointment other than the City Treasurer, City Clerk and City Attorney. Councilor Tousley seconded the motion which carried 5 to 1, with Councilor Kleeburg voting nay.

Councilor Liedkie moved to amend Chapter 2, Section 2-42, Terms and Appointment, by deleting the word "and" and to add a comma and add "and reappointments". The motion was seconded by Councilor Forsmann.

City Attorney Gómez explained the purpose of the amendment was to address reappointments. Currently, City Code says that all vacancies must be advertised and interviews must be held. The amendment would allow for those wishing to be reappointed to make it known two months prior to their term coming due and the Mayor could then bring it to the Council for confirmation.

Upon further discussion, Council President Liedkie rescinded her motion, with the approval of Councilor Forsmann. She stated if this is something that the Council would like to address in the future, it could come back before them at a later date. City Attorney Gómez suggested discussion at a future work session to discuss options and the Council agreed.

With regard to making the Department Directors appointed positions, Councilor Kleeburg stated that he has full faith in Mayor Johnson; however, the future is unknown. He said he believes that no oversight by the Council is wrong and the group should have a say in hiring and firing of Department Directors. Council President Liedkie replied that both she and Councilor Forsmann reached out to the Directors who felt that they would not be better protected by being appointed. In fact,

they felt there could be a chance that the Mayor might not make a recommendation to the Council for reappointment and if he did, the Council could choose to deny it.

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

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

a. Ordinance 4850- Action Item

A motion was offered by Councilor Forsmann and seconded by Councilor Schroeder to adopt Ordinance 4850. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Schroeder; Tousley. VOTING NAY: Kleeburg*

VII. ITEMS MOVED FROM THE CONSENT AGENDA

None.

VIII. 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 noted she recently saw the Civic Theater's production of Cinderella. She emphasized the amount of work it takes to put on such a great play and encouraged citizen support.

Councilor Tousley reported that he attended the Association of Idaho Cities Conference, along with Mayor Johnson, in Boise. He said it was an amazing gathering with a lot of great information. Mr. Tousley encouraged other councilors to attend in the coming years.

Council President Liedkie commended Mayor Johnson as she saw him walking Bryden Canyon picking up garbage. She stressed the importance of citizens getting out into their community.

Ms. Liedkie then thanked the Little League All Stars that joined this evening's meeting. She noted that the State Championship is huge for Lewiston and highly encouraged everyone to get out to support the teams.

Councilor Forsmann noted that she has had several comments from citizens regarding the missing statues. Assistant Planner Hollingshead explained that they are in Joseph, Oregon, where they are being repainted and will be returned soon.

Council President Liedkie commended Suzanne Seigneur from Transit for suggesting that food disbursed by the food bank be provided in bags rather than boxes so they don't take up an extra seat on the bus. Ms. Liedkie encouraged citizens to donate their extra plastic bags to Community Action Agency.

B. CITY BOARDS AND COMMISSION LIAISON UPDATES

None.

C. MAYOR COMMENTS

Mayor Johnson said he received an email from a past Commissioner noting how helpful an LPD Officer was during a recent incident.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

Mayor Johnson moved to appoint Rebecca Snodgrass to the Library Board of Trustees. The motion was seconded by Councilor Tousley and carried 6 to 0.

E. AGENDA TOPICS

Councilor Tousley offered a motion to discuss in work session the possibility of partnering with other organizations to review City property available for a low barrier homeless shelter. Councilor Forsmann provided a second. Council President Liedkie asked staff to invite representatives from Asotin County, the City of Asotin and the City of Clarkston. The motion carried 5 to 1, with Councilor Blount voting nay.

It was moved by Councilor Schroeder to discuss potential costs and issues related to the Port regarding the mitigation of dams. Councilor Forsmann seconded the motion. Councilor Schroeder added she would like to ask staff to invite Scott Corbitt, Dustin Johnson and a representative from the Port of Clarkston. The motion tied 3 to 3, with Councilors Liedkie, Forsmann and Schroeder voting aye and Councilors Blount, Kleeburg and Tousley voting nay. Mayor Johnson voted aye, and the motion carried.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Forsmann and Council President Liedkie moved and seconded, respectively, adjournment of the June 27, 2022, Regular Meeting at 7:48 p.m.