

***JULY 1, 2021***

**T** HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Special Budget Work Session on Tuesday, July 1, 2021, in the back conference room at Lewiston City Hall, 1134 “F” Street. Mayor Pro Tem Schroeder called the meeting to order at 5:15 p.m.

**I. ROLL CALL**

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

*Councilors Excused:* Collins

**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.*

There were no citizen comments.

**IV. ACTIVE AGENDA**

**A. RECREATIONAL FIRES AND FIREWORKS:** *Considering a temporary ban on recreational fires and fireworks - Action Item (Myklebust)*

Fire Chief Myklebust reported that yesterday the Fire Department took action following action by the County Commissioners to ban fireworks and recreational fires within the city. He noted that the staff is undergoing a very aggressive campaign to educate the community. Mr. Myklebust recommended the Council revisit the current ordinance that only allows fireworks to be utilized June 28<sup>th</sup> to July 5<sup>th</sup> from 9 to 11 p.m. and review and option to allow fireworks on New Year’s Eve in the future. The ban will stay in effect until conditions change and the department feels that it is safe to lift.

**B. LEGAL - Gómez**

City Attorney Gómez said she is again requesting an additional assistant city attorney given the department’s workload and demand. The Legal Department currently contracts with the Nez Perce County Prosecutor’s office for duties such as prosecution of city infractions and misdemeanors, as well as Police Department public records requests. The number of requests are significant with 1,906 records

requests made in 2019 and 1,592 in 2020. So far there have been 857 requests made in 2021. Ms. Gómez noted that the Prosecutor's office has minimal staffing and they sometimes have a difficulty in responding to records requests in a timely manner. Ms. Gómez stated that the city's Legal Department was considering taking that part of the contract back in-house. In order to do that, an additional assistant city attorney would be needed. Another duty the department would consider taking back, with regard to the contract, is prosecution of city code violations. The third attorney would also assist both herself and Assistant City Attorney Hermann in general municipal law, contracts, ordinances, Planning and Zoning, Human Resources, Public Works, and many other duties. The estimated cost of a third attorney is \$107,053 in FY'22 and \$110,000 in FY'23, which includes benefits. Currently, \$19,500 is budgeted for outside legal counsel. If \$9,500 was applied towards a new position it would leave \$10,000 for outside assistance. There have been preliminary negotiations with the Prosecutor and if the city brought back the previously mentioned duties to be done in-house, it could save the city \$26,000. Total funding needed for FY'22 would be \$60,703.

Councilor Bradbury asked for clarification with regard to the need for an additional set of Idaho Code books as they can be found online. Ms. Gómez explained that each attorney really needs a set for reference and notes. The case references located in the back of the books are helpful and that is not available online. Councilor Bradbury stated that he is in favor of an additional attorney, but feels that purchasing additional code books is not necessary.

Councilor Pernsteiner asked if there are certain code violations that may not be being prosecuted due to high volume at the county level. Ms. Gómez replied that there are code violations being prosecuted, but the thought is the violations may not be receiving as much attention as they would get if they were done in-house.

Councilor Blakey stated that he is in full support of the additional position, but is not comfortable with the use of \$9,500 from contractual services.

Councilor Bradbury said that he is in favor of the concept because he would like to see code enforcement receive more attention. He added that he would like to see an additional Code Enforcement officer added as well.

Mayor Pro Tem Schroeder and Councilor Kelly both stated they were in full support of the additional assistant attorney.

C. COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT - Von Tersch

Community Development Director Von Tersch reported that there were two capital requests made for FY'22 which include a re-write of the Comprehensive Plan totaling \$300,000 over the next three years and the

pedestrian staircase construction. She noted that there may be other funding sources available for the staircase. She stated that she would like to work with the Council to accomplish the requests even if the projects have to be postponed.

Councilor Pernsteiner asked which project would take priority. Ms. Von Tersch replied that she would place the Comprehensive Plan first since it has not been updated since at least 1996. The staircase project could potentially drive additional water into the downtown district with the large water pipe located by Pioneer Park. If that update were to take place, the project could qualify for American Rescue Plan Funding. Ms. Von Tersch stated that the \$200,000 budget for the staircase would cover the construction documents, as there are already preliminary designs and cost estimates. The \$300,000 budget for the Comprehensive Plan is based on what communities have paid. She noted the estimated cost is \$100,000 for every 10,000 in population. The timeframe for the Comprehensive Plan is approximately 2 to 2.5 years with staff effort and oversight.

Councilor Blakey asked what the Comprehensive Plan accomplishes. Ms. Von Tersch explained that the Plan is intended to be a guide for decision making as it relates to land use patterns, transportation, and placement of parks and recreation. It would also bring all the current documents into compliance with each another. The Plan serves a basis for zoning designations on individual properties and zoning requirements to advise the community how to build and is referenced every time there is a land use proposal before the Planning and Zoning Commission. City Manager Nygaard added that the Comprehensive Plan is what links all the different organizations and allows decisions to be made based upon recommendations from the community and the Council.

Councilor Bradbury asked why the present Plan isn't working. Ms. Von Tersch indicated that the Plan does not reflect new standards for single family development, which would be helpful in increasing density ranges. The current Plan has categories that are very rigid and do not reflect changing conditions. Community Development staff was willing to manage a consultant in house with current staffing, but if the Council is expecting staff to make amendments, rather than a re-write, and do all the work, the department does not have the capacity to do that in a reasonable time.

Councilor Pernsteiner stated that he agrees that the amount being requested is significant and needs to be fully vetted; however, the community has put a large amount of investment in infrastructure and new strategic plans so having a comprehensive strategy that fits and aligns with other plans already in place has a lot of value. Not only has housing changed, but there is a dramatic need for housing changes and that alone is

something to significantly look at. Mr. Pernsteiner said that he believes that if the city looks at what is currently available within the community rather than just expanding to the east, it will see a return on investment with an updated Plan.

Councilor Kelly asked if the Council or community would have any input on the final product of the Comprehensive Plan. Ms. Von Tersch confirmed that the Plan would be public driven as to how citizens would like the community to look and how that could be achieved. The Council would be involved at certain percentages of completion throughout the development of the Plan.

Mayor Pro Tem Schroeder stated that having worked with the current Comprehensive Plan for 5 years while on Planning & Zoning, she fully supports and understands the need for the Plan to be updated. She asked if the Urban Renewal Agency (URA) would cover some of the costs of the staircase project. Ms. Von Tersch confirmed and noted that the project is currently in draft form and will come before the Council in August. The URA could pay for the entire project once they have revenues, but that could be up to ten years from now.

In response to Councilor Pernsteiner's question, Ms. Von Tersch stated that the city would need to determine if the water main from Normal Hill to downtown is an important water connection. If so, that would create the possibility of utilizing the American Rescue Plan funding for some of the staircase project.

**D. TRANSIT - Seigneur**

Transit Manager Seigneur reviewed the proposed FY'22 and FY'23 Transit budget. The proposed revenues for FY'22 total \$1,214,200 and \$1,334,360 for FY'23. She noted that Transit is planning on adding a third bus route in the middle of FY'22 and would have a full year of funding for that route in FY'23. She explained that approximately \$325,000 of property taxes goes to operating, which helps match the 5307 Grant. She indicated that most of the capital for Transit is currently under the CARES ACT Grant and 100 percent funded. The proposed budgets do include the Metropolitan Planning Organization (MPO) not being disrupted and still have the same level of federal funding as seen previously. If the MPO were to no longer be available, the budget would be adjusted accordingly and the third route would most likely be removed.

Councilor Pernsteiner asked if the budgeted amount of \$475,000 is a flat number based on tiers or if that number would fluctuate once the census data is released. Ms. Seigneur replied that the Transit Department had not

gone through a change in census since inception in 2010. She stated that she is unsure of what happens to the allocation. The funding is on a national level and not specific to Idaho, so the city would be competing for funding with other urbanized areas.

Councilor Blakey asked if it would be cost effective to provide vouchers and allow people to call a taxi service rather than run a fixed bus route system at a cost of \$1.2 million. Ms. Seigneur stated that the department is looking at other ways to transport people around town, such as micro transit, demand response, smaller vehicles, and zone pickups. At the same time, transit has never been cost effective and there are a lot of requirements that have to be met for this very safe service.

Councilor Bradbury complimented Ms. Seigneur on the efficiency of the system, particularly because it serves low income, those who have lost drivers licenses, and/or handicapped. He stated that the Transit system is a vital service and not meant to be a profit center. Mr. Bradbury asked what the proposed third route would be. Ms. Seigneur explained that with the research that had been completed, the best option would be to rework all the routes to incorporate more downtown stops and extend stops further into the Orchards.

Councilor Kelly asked if the ridership numbers provided included the youth program in the summer. Ms. Seigneur confirmed.

**E. CITY COMMUNICATION SITE UPDATE – Spooner/Birdsell**

Information Systems Manager Spooner provided an update with regard to the current and future tower site. He reviewed the costs associated with a new tower which would be approximately \$385,000 to \$400,000. He noted that technology is changing rapidly and in order to make a new tower cost effective, it would need to last at least 20 years. The Idaho Transportation Department (ITD) has a tower located at the top of the Lewiston Hill in an ideal location that is completely maintained, secure, and easy to access. Mr. Spooner explained that all existing radio communications would route to the tower site with the exception of the IT data radios. The lease agreement presented by ITD was \$125 per month per transmitter. Currently the lease contract is being reviewed by Legal. The current tower site would continue operating while the new site is transitioning. Mr. Spooner said he would like to fund some of the lease costs as they are not currently in the budget for some of the departments.

Councilor Blakey asked if the current contract that expires in 2060 could be terminated. Mr. Spooner confirmed. Councilor Blakey asked if this project would qualify for American Rescue Funds. Mr. Spooner replied that

there have been discussions to try and acquire funding once the lease is agreed upon by both parties.

Councilor Kelly asked how the time line is affected by utilizing this option as opposed to building a new tower. Mr. Spooner explained that if a new tower had to be constructed, the time line for completion would be at least a year or more. If the new hardware is in stock, the equipment could be delivered as early as the end of September under the proposed plan.

Councilor Bradbury thanked Mr. Spooner and stated that it is refreshing to see common sense at work.

**F. PARKS AND RECREATION** – Barker

Parks and Recreation Director Barker highlighted what took place in the Recreation Division in FY'21. He noted that in the last 6 months the department was able to reopen Recreation programs and open both pools. The department was able to host two in-house softball tournaments which included 40 plus teams that drastically increased the economics in the valley. Throughout the season there were 22 baseball/softball tournaments that occurred bringing more than 250 teams to the valley.

Mr. Barker updated the Council on Fenton Gym stating the gym was reserved over 250 times in FY'20. The department maintains the gym but unfortunately it has the worst gym floor in the valley. Parks and Recreation opened the gym Monday's, Wednesday's, and Friday's for indoor pickle ball averaging between 10 and 20 participants.

Mr. Barker provided an update on the Senior Nutrition Program. He indicated that approximately 24,000 deliveries for the in-home meals were made and the grab and go lunch program served about 1,500 people three days per week. Mr. Barker noted that Senior Nutrition received about \$30,000 through various federal programs passed through by Community Action Partnership to help offset some of the reductions in revenues.

The proposed Recreation expenses for FY'22 and FY'23 include an ADA ramp for Orchards Pool (\$15,000); pool liners for both pools (\$160,000); scoreboard replacement at 10 of the ballfields (\$55,000); and Fenton Gym floor replacement (\$125,000).

Councilor Blakey asked if there is potential to raise sponsorships to help offset the cost of scoreboard replacement. Mr. Barker confirmed.

The proposed Park Maintenance Division expenses for FY'22 include the Community Park Phases 1 and 2. The parking lot maintenance will be

about \$15,000 per year to maintain so there is a request of \$15,000 in additional funding from the General Fund for that maintenance. There are no new requests for FY'23 but Mr. Barker noted that there could be a request for a five percent increase in utilities to cover costs.

**G. FACILITIES - Barker**

Parks and Recreation Director Barker reviewed the FY'21 Facilities Division budget. He stated that the \$190,000 noted within the budget is geared toward projects. He noted that due to the lack of programs that could be offered at the Community Center because of group number restrictions the department was able to complete the carpet/floor replacement.

The proposed Facilities Division expenses for FY'22 include City Hall carpet/floor replacement, City Hall window replacement, City Hall HVAC upgrades, Police Department dispatch carpet replacement, Fenton Gym roof leak and wall repair, and the Police Training Center painting and wall repair. The capital project request for FY'22 and FY'23 is the Community Center re-roof totaling \$140,000 each year.

The proposed FY'23 expenses include additional window replacement at City Hall, Fire Station 2 HVAC units, City Hall HVAC replacement, LED/Solar lighting upgrades.

In response to Councilor Miller's question, Mr. Barker explained that the Fire Station 2 HVAC system could be moved to FY'23 to prioritize other more failing systems throughout the city.

Councilor Bradbury asked how much acreage of parkland is within the city. Mr. Barker replied that the city currently has 180 developed acres. Councilor Bradbury asked how much the department pays for water in a fiscal year. Administrative Services Director Marsh stated that he would have to research that information and provide a response.

**H. GOLF - Barker**

It was stated by Parks & Recreation Director Barker that at Monday's meeting there was discussion with regard to the potential payoff of internal loan debt for the golf course. The loan payment is approximately \$58,000 per year. With the golf course revenue at \$115,000, the loan payment makes up for about half of the revenue budget. That leaves very little funding to be able to partner with the contractor on any development or improvements at the site. Mr. Barker noted that he met with the contractor and identified six projects he would like to see completed. Once those projects are done, he said the department would create a new agreement with the current operator

to include their participation in completion of future capital projects. The projects to be completed include parking lot improvements, driveway resurfacing, airport storm water issues between holes 13 and 14, overflow pond liner replacement, fencing along the west of hole 11 fairway, and resolving the south pond issues to be utilized for irrigation.

Councilor Blakey asked if the city has been made aware of the gross revenue of the contractor. Mr. Barker replied that the contractor does supply the city with their annual reports. Councilor Blakey asked if the contractor had enough gross revenue to justify the requested projects. Mr. Barker confirmed and noted that there would be an additional \$32,000 revenue payment made to the city based on shared revenue totals.

Councilor Miller asked if the lease payment to the airport remains a flat rate or if it increases over time. Mr. Barker responded that the rate increases two percent every other year.

## V. CITY COUNCILOR COMMENTS AND DIRECTION

Councilor Bradbury said that he was impressed with today's presentations other than Community Development. He said that he understands the need and desire to tie Normal Hill into downtown, however there is already pedestrian access that ties those two areas together. He believes that developing access from the Orchards to downtown is more pressing, so for that reason he opposes the appropriation for the 6<sup>th</sup> Street staircase.

Councilor Bradbury then stated that with regard to the Comprehensive Plan, there was no evidence given that showed him of a pressing need for a re-write and he indicated he would also be opposing this \$300,000 appropriation.

City Manager Nygaard requested that the Council discuss the drug testing for criminal and rehabilitation of the courts that was brought up by Commissioner Havens. He noted that the program is paid for with tax dollars regardless of where the funding comes from. Mayor Pro Tem Schroeder stated she feels that the responsibility falls on the County and believes they should supply the funding. Councilor Bradbury stated that without funding for that program, the city suffers as it would be putting the community's safety at risk by not having drug testing for those on parole or those awaiting trial. He feels that the city owes it to citizens of Lewiston to do its part. Councilor Pernsteiner said that he is not opposed to contributing, but would like to see the figures associated with the program. Mr. Nygaard stated that he would gather more information for the council.

Mr. Nygaard then asked the Council for recommendations on including the Civic Theater request in the budget. The funding would be considered a contracted service with the Theater. Mayor Pro Tem Schroeder asked why the organization is



not seeking more revenue options beyond a request to the city. She stated that the Theater has a community base and feels they should be reaching out to the community for support. Councilor Pernsteiner stated that he is aware that the organization is fundraising in the community to trying to maintain operations. He believes that the Civic Theater is a great thing for the community and a tremendous asset, but because the city is incurring the costs for the building, he would hesitate about paying for operational costs. Councilor Bradbury indicated that he would like for the organization to show the need for funding and how it would be spent. Councilor Miller suggested looking at funding particular programs or classes and not a full \$30,000. Councilor Pernsteiner stated that the city could be expending seven times the requested amount for the civic theater building, so he is not interested in paying for operational costs at this time.

Mr. Nygaard asked for direction from the Council on the request for a third attorney and possibly moving prosecution and public records requests back to the city. He stated his recommendation would be to include the position in the budget so the option is there to make the decision in the future. There is an investment in making this change and it would be an overall increase in the budget. The offset is that the city could demonstrate better services to the community and Police Department.

City Attorney Gómez stated that she sees value in the contract because prosecution is what the county does. She feels that it would be inefficient to have a small prosecution office in the city and large prosecution office at the county and she is strongly in favor of the county prosecuting city infractions and misdemeanors. Public record requests were added onto the contract and there was a level of service issue that was not resolved and Ms. Gómez feels that it would be better served in-house. As far as the need for more code enforcement, if the department was able to focus on that prosecution solely it would allow for better control over city code violations.

Councilor Blakey asked if the request for the third attorney included support staff. Ms. Gómez explained that not additional staff support would be needed.

Mr. Nygaard reviewed why the Comprehensive Plan rewrite was included in the requests for Community Development. The plan was last updated in 1999 and the old information in the Plan needs to be revisited. He explained that a Comprehensive Plan evaluates all elements of the city and aligns those elements. He believes that the plan could be completed over the course of three years. Mayor Pro Tem Schroeder stated that she understands the importance of a comprehensive plan and supports the project. Councilors Blakey and Kelly both stated they are in support. Councilor Miller said she fully supports the re-write and feels that it complements the strategic plan with a cost savings to the city allowing information to be gathered from the public all at the same time

City Manager Nygaard discussed the design element for the 6<sup>th</sup> Street staircase. He stated that he does not believe that the water line would be used from Normal Hill as there are more appropriate means to fix the water system downtown. He said that budgeting the \$51,000 for the design would be beneficial because it could help with acquiring other funding sources.

Councilor Bradbury suggested looking at other areas without pedestrian access rather than spending the public's money designing a staircase that already exists. Mayor Pro Tem Schroeder responded that Normal Hill is a walking community and that is not the same case for the residents in the Orchards. She stated that she is not sure she is ready to fully support the staircase project, but it is important to the Normal Hill community. Councilor Pernsteiner stated connectivity between Normal Hill and downtown should be included in the long term part of the strategic plan, however he stated he was not interested in including it in this year's budget.

Councilor Blakey indicated that he might be interested in including the design in the budget if the \$51,000 could be spread over two years. Councilor Pernsteiner added that there are multiple projects needed in the downtown area and he would like to see more focus elsewhere.

Mr. Nygaard stated that he feels the \$51,000 over two years would be an inefficient use of the funds, adding that they would be more beneficial if scheduled in the following budget year.

Mr. Nygaard then stated that the equipment requests for Wastewater would be split over two fiscal years. The utility vehicle would be included in FY'22 and the dump truck in FY'23.

Councilor Blakey stated that the fire station is a huge discussion point and he does not feel comfortable with that topic being handled in a matter of weeks.

Responding to a question from Councilor Pernsteiner regarding the Transfer station floor, City Manager Nygaard explained that Public Works Director Johnson is requesting \$200,000 rather than \$125,000 due to an increase in the costs of materials.

## VI. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Bradbury and Pernsteiner moved and seconded adjournment of the July 1, 2021, Budget Work Session at 7:50 p.m.