

July 11, 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. 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.

COUNCIL MEMBERS EXCUSED: Tousley.

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 Civic Theater acting in Disney's Newsies Jr. led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Johanna Frank said those Councilors who did not vote for the homeless shelter will not get reelected and would be cursed for not taking care of these individuals.

City Attorney Gómez reminded the Council that the public hearing on the homeless shelter was closed so any comments offered regarding this topic should not be considered.

John Michael asked the Council to review environmental impacts related to the pulp mill as well as the long-term effects of having fluoride in the water.

Ken Krahn said that he can't justify a \$10 million fire station at the busiest intersection when there is another station two blocks away or a \$95 million community park when there are 15 plus parks in the Valley. He urged the Council to take care of projects they have such as streets, connectors and sidewalks. Finally, Mr. Krahn questioned what the money from the huge increase in water and sewer rates a few years ago was spent on, noting that rates were again doubled only two years ago.

IV. PUBLIC HEARINGS AND RELATED ACTION ITEMS

A. PUBLIC HEARING: 2022 CDBG ACTION PLAN: *Accepting testimony on the 2022 CDBG Action Plan (Brocke)*

Council President Liedkie announced that this was the time and place advertised for the public hearing regarding the 2022 CDBG Action Plan. She opened the hearing and asked that a staff report be provided.

CDBG Administrator Brocke explained that each year HUD provides funding to cities for housing and community development programs that benefit persons of low or moderate income or eliminate blight. To continue to receive these funds, the City must develop an annual action plan which programs the funds to be awarded that program year for specific activities. The City was notified that it would receive \$228,350 in CDBG funding for the 2022 program year. Activities proposed were noted as follows:

- \$ 73,680 – Northwest Children’s Home
- \$ 9,000 – Willow Center: Grief Peer Support Groups & Resources
- \$ 44,000 – Microenterprise Assistance Program
- \$100,000 – Home Repair Program – Residential Rehabilitation
- \$ 45,670 – Program Administration

Ms. Brocke noted that during the comment period of June 6, 2022, through July 11, 2022, she received no public input.

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

Brian Pope, Northwest Children’s Home, stated that he is thankful for the support from the City of Lewiston to enhance some of their programs.

There being no further testimony, Council President Liedkie closed the hearing.

B. CDBG ACTION PLAN: *Considering approval of the 2022 CDBG Action Plan - Brocke*

A motion was offered by Councilor Forsmann and seconded by Councilor Schroeder to approve the 2022 CDBG Action Plan.

Councilor Kleeburg indicated that the City used to have a SNAP Program in place that targeted specific neighborhoods. CDBG Administrator Brocke confirmed, and noted that the program has since been opened to the entire City and award is based on income.

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

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”.

Councilor Kleeburg requested a grammatical correction to both the June 27th budget meeting minutes and the June 27th regular meeting minutes.

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

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

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** 06/27/22 Budget; 06/27/22 Regular; 06/28/22 Budget - Action Item
- B. **ADVISORY BOARD/COMMISSION MEETING MINUTES:** 06/08/22 Planning & Zoning Commission - Action Item
- C. **VOUCHER'S PAYABLE:** Considering approval of the Vouchers Payable dated 06/10/22 through 006/23/22 - \$3,933,973.20 - Action Item (Moved to Item IV.C.1)

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)

Councilor President Liedkie and Councilor Forsmann moved and seconded to postpone this item to the July 25th Council meeting.

Councilor Kleeburg said this topic has been discussed by the Council for a long time. He expressed his desire to bring it to resolution.

Council President Liedkie explained that staff would be meeting on July 12th with the LC Valley Adult Resource Center and Intermountain Fair Housing Council to discuss the LC Valley Adult Resource's June 24, 2022, letter to the Mayor and City Council. She stated that staff would like an opportunity to update the Council after that meeting and before Council votes on the Reasoned Statement. Ms. Liedkie stated that staff is trying to address this with their best foot forward which will assist the Council in ensuring that they are moving forward with a long-term solution in place.

The motion carried 5 to 0, with Councilor Tousley excused.

B. ORDINANCES

1. FIRST READING

- a. **Ordinance 4853:** Amending Chapter 21 to define and regulate mobile food vendors (Plaskon)

City Planner Plaskon explained that Ordinance 4853 establishes Article XI in Chapter 21, Business Licenses, for mobile food vendors. Due to their unique regulatory requirements, it was determined that establishing code provisions specifically for mobile food vendors would allow staff to better regulate these licenses. Because of their flexible nature and operations, the regulations needed to be flexible to accommodate their individual circumstances. Mr. Plaskon asked the Council to consider the three following amendments:

- Section 21-83(a)(2) requires a site plan be submitted. It was determined by staff that this is not an appropriate requirement to be in City Code as food vendors often change locations. Site plans should be dealt with separately, rather than a standard requirement for all applications.
- Section 21-85(c) - Add language which provides for two parking spaces per mobile food vendor or if seating is provided, then one parking space per four seats, whichever is greater.
- Page 4, Item B - This amendment requires a notarized signature from the applicant with regard to ADA parking. The Council is being asked to strike this Item and allowing staff to add a special addendum to the application.

Council President Liedkie asked if other cities require off-street parking for mobile food vendors. Mr. Plaskon replied that some do and some don't. He noted that the current Food Vendor Park on SRA applied through the licensing process and provided dedicated off-street parking for their operation.

Assistant City Attorney Sieracki suggested that if the Council would like to approve the first reading of Ordinance 4853 this evening, she would bring an amended version containing the suggestions made by Mr. Plaskon to the next regular meeting for consideration.

Mayor Johnson asked if the standards apply to organizations with 501c3 designations. Mr. Plaskon indicated that they do not, but they are subject to health department requirements.

It was moved and seconded by Councilors Schroeder and Forsmann to read Ordinance 4853 for the first time.

Councilor Blount expressed his frustration with the proposal to change the language for parking. He stated the Council is talking about food businesses on the road where there are bound to be parking issues. Mr. Plaskon clarified that the regulations do not provide for food vendors on the street but rather only on private property.

The motion carried 4 to 0, with Councilor Blount voting nay and Councilor Tousley excused.

Councilor Forsmann reiterated that this merely provides standards for mobile food vendors that were not previously within City code. She noted that if Council feels that the parking requirements are excessive, an amendment could be made to remove that condition.

ORDINANCE 4853: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 21-2 OF THE LEWISTON CITYCODE AND TO ADD AND AMEND DEFINITIONS RELATED TO MOBILE FOOD VENDORS, AMENDING SECTION 21-66 REGARDING THE APPLICABILITY OF ARTICLE VIII RELATED TO TEMPORARY VENDORS AND MOBILE FOOD VENDORS, ENACTING NEW ARTICLE XI IN CHAPTER 21 OF THE LEWISTON CITY CODE RELATED TO MOBILE FOOD VENDORS, AND PROVIDING AN EFFECTIVE DATE"

2. SECOND AND THIRD READINGS

- 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)*

A motion to combine the second and third readings and to waive the third reading in full of Ordinance 4854 was made by Councilor Schroeder and seconded by Council President Liedkie. The motion carried 5 to 0, with Councilor Tousley excused.

Councilor Schroeder offered a motion to approve the second and third readings of Ordinance 4854. Council President Liedkie provided a second and it carried 5 to 0, with Councilor Tousley excused.

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"

3. ADOPTION

- a. Ordinance 4854- Action Item

A motion was offered by Councilor Forsmann and seconded by Councilor Kleeburg to adopt Ordinance 4854. ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder. VOTING NAY: None. EXCUSED: Tousley.

- C. REASONED STATEMENT: ZNC22-000004 (DeAtley): *Considering approval of the Reasoned Statement for ZNC22-000004 (Hollingshead)*

It was moved by Councilor Kleeburg and seconded by Council President Liedkie to approve the Reasoned Statement for ZNC22-000004. Upon a vote of 5 to 1, with Councilor Tousley excused, the motion passed.

VII. ITEMS MOVED FROM THE CONSENT AGENDA

- A. **VOUCHERS PAYABLE:** *Considering approval of the Vouchers Payable dated 06/10/22 through 006/23/22 - \$3,933,973.20 - Action Item*

Councilor Kleeburg moved to approve the Vouchers Payable. Council President Liedkie seconded the motion.

Council President Liedkie questioned the payment on page 5 to David Evans and Associates for the Bryden Avenue Reconstruction Redesign. Finance Director Gordon indicated that she would reach out to Director Johnson and provide a detailed response to the Council in the morning.

Councilor Forsmann indicated she earlier asked Chief Hurd about the payment to Precision Signs for a Mental Health Decal for a police vehicle. Mr. Hurd replied that staff is reviewing it and that he would provide a response to the Council.

Finally, Councilor President Liedkie asked about the payment to Camino Technologies in the amount of \$10,000. Ms. Gordon responded that this is an annual fee for software utilized by Community Development that allows them to issue business licenses and permits online.

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

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 commended staff for reaching out to owners of mobile food vendors and involving them in the process.

Councilor Kleeburg congratulated City staff on a great 4th of July event in Pioneer Park. He said he was happy to see the community come together to enjoy the festivities.

Councilor Forsmann invited community members to an open house at Fire Station 4 on Thursday, July 21st, from 6 to 7. She said this will be an opportunity to learn more about the current design proposal, ask questions and provide feedback.

Council President Liedkie announced that this would be Police Chief Budd Hurd's last Council meeting as the City of Lewiston Police Chief. She, along with the remainder of the Council and all those present, thanked him for his service with a standing ovation. Chief Hurd stated he has extreme gratitude for the City, for those he has worked with, for members of the Department, and the entire community. He said that his 31 years with the Police Department has been a great ride, a great job and a great career.

B. CITY BOARDS AND COMMISSION LIAISON UPDATES

None.

C. MAYOR COMMENTS

Mayor Johnson thanked Chief Hurd for his years of service to the community. He noted that Chief Hurd is a very good man and he has learned a lot from him in the short time he has worked with him. The Mayor also thanked the Council for serving the citizens of Lewiston, noting that their work is honorable, as well as the staff. He encouraged citizens to bring their concerns to the Council, stressing that they all want good things for this city.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

None.

E. AGENDA TOPICS

Councilor Forsmann addressed environmental concerns with Clearwater Paper that were mentioned under Citizens Comments and suggested this as work session topic. Councilor Kleeburg noted that the Health Department has a great deal of data available and suggested reaching out to them for a presentation.

City Attorney Gómez reported that the City doesn't have an regulatory authority over this issue. If the Council is interested and would like to hear from the Health Department, then that would be fine, but there would be no action to be taken. Councilor Kleeburg said an informative session would be good. Councilor Blount stressed that the "Mill" is the biggest employer in town and speaking to environmental concerns could backfire. Mr. Blount said he feels this could potentially bring a lot of people to a council meeting.

Council President Liedkie suggested that the councilors could reach out to the Health Department if they are interested in obtaining data on environmental issues.

Finally, Council President Liedkie moved that a plan for "No Parking" signs along Snake River Avenue in front of Kiwanis Park as an interim solution for parking be discussed at a future work session. Councilor Forsmann seconded the motion. Councilor Kleeburg

indicated that improvements along this corridor will be made as part of an MPO project; however, funding is the issue. The motion carried 5 to 0, with Councilor Tousley excused.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Kleeburg and Forsmann moved and seconded, respectively, adjournment of the July 11, 2022, Regular Meeting at 7:15 p.m.