

July 25, 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 (via Zoom); Councilor Forsmann; Councilor Schroeder; Councilor Tousley.

COUNCIL MEMBERS EXCUSED: Kleeburg.

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Douglas Welsh and David Jacks, Veterans of Foreign Wars, led the Pledge of Allegiance.

III. CITIZEN COMMENTS

Johanna Frank addressed the need for a warming shelter and a new fire station. She also asked that garbage cans be placed at the cemetery.

Assistant City Attorney Hermann reminded that Council that they should not consider any comments in relation to the homeless shelter as that public hearing has been closed.

Ron Huckabee spoke against a homeless shelter in Lewiston, adding that he has been dealing with this issue for over 40 years in the law enforcement field. He expressed concern for homeless individuals riding the city's transit system and hanging out in Kiwanis Park. Mr. Huckabee suggested a homeless task force be created to review the issues surrounding the homeless population and emphasized that the Council cannot jeopardize the entire community by allowing a 100-bed shelter without including the stakeholders. Finally, he said he doesn't believe the Council, under State Code, can support a facility that is openly anti-gay.

Ken Krahn expressed his opposition to a homeless shelter across from Kiwanis Park, stating that "if you build it...they will come". He also expressed his opposition to a new fire station at the corner of 5th and Bryden and spending millions on Community Park.

Matt Gower stated that Waha serves as a suburb to Lewiston and the residents should determine if they would like to be located within the City limits.

IV. PRESENTATIONS

A. **FINANCIAL REPORT - JUNE 2022:** *Financial report for June 2022, in accordance with Idaho Code 50-208 (Gordon)*

Finance Director Gordon reported on the June 2022 Financial Report, which is the third quarter for FY22. She noted that the Worker's Compensation Fund is exceeding its annual budget due to a few expensive claims. She noted there are ample funds in Reserves, and an amendment will be coming before the Council during the budget meetings.

With regard to the General Fund, it currently sits at 60 percent. This Fund is trending low as much of the Capital budget has not yet been utilized. Though this amount will increase, it is anticipated that much of the \$4.4 million allocated will not be spent due to timing. One exception is the Legislative budget and transfers from the previous City Manager's budget will be made to account for this increase.

Ms. Gordon noted that there is not much change in property taxes from the March report. A check is expected from Nez Perce County this week and that budget will be at 90 to 95 percent of its total.

June was not a good month for investments. Fiduciary funds are long-term, so allocations of the investment are meant to withstand a long term period. Based on the last actuary report for the Police Retirement Fund, it showed that \$13.8 million would be necessary for it to be fully funded. Though there is hope for a rebound by the end of the calendar year, an updated actuarial report will be prepared and it is very likely the actuaries will recommend this account be funded again in FY'24.

B. AMERICAN LEGION PARAMEDIC OF THE YEAR AWARDS: *Presentation of the American Legion Paramedic of the Year (Kirby Ockwell) and Firefighter of the Year (Nate Metcalf) awards (Myklebust)*

Chief Myklebust said this evening is a wonderful opportunity to recognize individuals of the fire department who work very hard for this city. Kirby Ockwell has been selected as the American Legion's Paramedic of the Year for his attention to detail, going the extra mile and his compassion to both his coworkers and the customers he responds to. Captain Nate Metcalf was selected as Firefighter of the Year for the pride he demonstrates in mentoring others, his focus on having his crews prepared, and his leadership.

C. VFW AWARD: *Presentation of the VFW Paramedic of the Year award to Chris Jacks (Myklebust)*

Doug Welsh and David Jacks, VFW, presented Chris Jacks with a National Emergency Medical Technician of the Year Award. Nominations came in from across the State of Idaho and a committee selected one individual. Mr. Jacks has demonstrated a record of extraordinary and courageous service and he is highly admired and respected by his peers and the public he serves.

V. PUBLIC HEARINGS AND RELATED ACTION ITEMS

A. PUBLIC HEARING: NEW/REFORMULATED COMMUNITY DEVELOPMENT FEES: *Accepting testimony on a proposal to create fees for a variety of new housing types and new fire*

sprinkler systems, fire alarm systems and chemical suppression systems, as well as reestablished fees for manufactured homes (Von Tersch)

Stating it was the time and place advertised for the public hearing regarding new and reformulated Community Development Department fees, Mayor Johnson opened the public hearing and asked that a staff report be provided.

Community Development Director Von Tersch reported that staff presented a proposal to the City Council in May of 2022 noting that fees for business licensing, Planning & Zoning, building, trades and fire would be increased by 2.5 percent, not 8.7 percent as directed by Resolutions currently on the books.

New fees are planned to be established for a variety of new housing types including park lodging and tiny homes. Fees vary based on whether a permanent foundation is involved and the number of sections the unit comes in. Manufactured home fees would be re-established having been dropped from earlier resolutions. Ms. Von Tersch noted that the other new fee is for repair or modification to new fire sprinkler systems, fire alarm systems and chemical suppression systems. Though fees for these items currently exist, staff has discovered the existing fee to repair systems often exceeds the cost of a new system. A new fee is proposed that repairing these systems is valued at 50 percent of a new system fee.

Mayor Johnson questioned the significance of a permanent foundation for a mobile home community. Ms. Von Tersch explained there is more site improvement work needed such as foundation and drainage inspections, when homes are on permanent foundations.

Mayor Johnson called for testimony, both in favor and against, the Community Development Department fees. There being none, he declared the hearing closed.

B. RESOLUTION 2022-24: *Considering restating and amending the Community Development Department's building permit fee schedule, electrical fee schedule, mechanical fee schedule, plumbing fee schedule, fire fee schedule and special permit fee schedule and establishing fees related to park lodging*

A motion was offered by Councilor Tousley and seconded by Councilor Schroeder to approve Resolution 2022-24. ROLL CALL VOTE: VOTING AYE: *Schroeder; Tousley*. VOTING NAY: *Liedkie; Forsmann*. EXCUSED: *Kleeburg*. Mayor voted aye and the motion carried.

C. RESOLUTION 2022-25: *Considering restating and amending Community Development Department fees*

It was moved by Councilor Schroeder to approve Resolution 2022-25. Councilor Tousley provided a second. ROLL CALL VOTE: VOTING AYE: *Forsmann; Schroeder; Tousley*. VOTING NAY: *Liedkie*. EXCUSED: *Kleeburg*.

D. PUBLIC HEARING: PARKS & RECREATION FEES: *Accepting testimony on a request to restate, amend and establish City of Lewiston Parks and Recreation Department fees*

It was stated by Mayor Johnson that this evening was the time and place advertised for the public hearing regarding Parks and Recreation Fees. Upon declaring the hearing open, he asked for a staff report.

Parks and Recreation Director Barker explained that the purpose of Resolution 2022-29 is to create new fees and amend fees within the parks and recreation system to take into account rising costs of operations and to establish additional needs for fees within the department. Proposed amended fees include exclusive use to that designated area and a fee for a vendor that is present at a park permitted event. Proposed new fees include a fee for Community Center rooms, an alcohol fee associated to a room use at the Community Center to mirror the park alcohol fee, a fee to reserve Fenton Gym and fees related to the Legacy Tree Program.

Councilor Forsmann questioned the last time rates were raised for parks. Mr. Barker replied that it has probably been five to seven years, if not longer. He explained that part of the need for looking at this again is that many of the building supervisors are ages 17 to 20 and this is their first time job, etc., so giving them an additional person on site would be extremely helpful could assist them in enforcing and monitoring activity that is going on.

Councilor Tousley questioned the outcome if the Council did not approve these fees this evening. Mr. Barker replied that he would need to amend his budget to lower the anticipated revenues. This would widen the gap between the revenues and expenses.

City Attorney Gómez reported that it was discovered that some of the fees that were being charged haven't yet been adopted by Resolution. If the Department would like to continue to charge those fees, they would need to be adopted by the Council. She noted, however, that Council could amend the amount of the proposed fees if they so choose.

Testimony in favor of and against the proposed fees was requested by Mayor Johnson.

Ken Krahn said he believes the rental fee for Fenton Gym is too low, suggesting it be set at \$100 per hour, minimum.

Johanna Frank said it has been suggested the warming center could be placed in the Community Center.

Matt Gower said park fees needs to be sufficient when alcohol is permitted.

Responding to a question from Mayor Johnson regarding the length of the rental rate, Parks & Recreation Director Barker reported that it is a flat rate. That rate, for example when renting the band shell, would depend on the size of the party.

Upon no further testimony, the hearing was closed.

E. RESOLUTION 2022-29: *Considering restating, amending and establishing City of Lewiston Parks and Recreation Department fees*

Councilors Schroeder and Forsmann moved and seconded, respectively, approval of Resolution 2022-29. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Kleeburg.*

F. PUBLIC HEARING: EMS FEES: *Accepting testimony on a request to restate and amend ambulance service fees*

It was announced by Mayor Johnson that this was the time and place advertised for the public hearing regarding EMS fees. He opened the hearing and asked Chief Myklebust for a staff report.

Chief Myklebust stated that every two years the Fire Department conducts an EMS fee study at the request of EMSAB. They then review the results and provide the City Council with a recommendation for changes to fees. EMSAB submitted their recommendation to the Council which increases all EMS fees by 2 percent in FY'23, excluding special event standby. Due to the cost of personnel for special events, EMSAB is recommending an increase from \$104 to \$130 for an ambulance and an increase from \$47 to \$65 for a single EMS provider. This change is greater than 5 percent and therefore a public hearing is required.

Mayor Johnson called for testimony either in favor of or against the increased fees.

Ken Krahn questioned the reason for charging taxpaying citizens of Lewiston an ambulance transport fee. Chief Myklebust replied that it has been the long-standing practice of the City to charge rates for EMS transports. The revenue generates approximately \$1.9 million which helps offset the \$9 million budget of the department, ultimately lowering the burden on General Fund taxpayer dollars. Those that utilize the ambulance pay the majority of the cost for staff, apparatus, equipment, etc.

Responding to a question from Council President Liedkie regarding write-offs, Mr. Myklebust explained that when Medicare is used for payment, any remaining amount above what they will pay has to be written off in accordance with federal law.

Kyle Harris asked if those without insurance or Medicare are charged for transport. Chief Myklebust said that self pays are billed by the Department. Payment plans can be established to assist the customer, but if no payments are made, then the account will go to collections.

Ken Krahn questioned the charge to transport a patient to Spokane. The Chief replied there is a base fee for BLS as well as ALS and a mileage rate of \$11 per hour. The Department does not do many of these transports as valley hospitals are trying to provide necessary services locally.

With no further testimony Mayor Johnson declared the hearing closed.

G. RESOLUTION 2022-28: *Considering restating and amending ambulance service fees*

A motion and second were offered by Councilors Schroeder and Tousley to approve Resolution 2022-28. There were no objections, and the motion carried. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Kleeburg.*

VI. 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”.

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

- A. LEWISTON CITY COUNCIL MEETING MINUTES: 03/10/22 *Special*; 06/30/22 *Budget*; 07/11/22 *Regular* – Action Item**
- B. ADVISORY BOARD/COMMISSION MEETING MINUTES: 05/05/22 & 06/02/22 *Historic Preservation Commission*; 06/22/22 *Planning & Zoning Commission*; 05/17/22 and 06/14/22 *Urban Renewal Agency* – Action Item**
- C. PRELIMINARY PLAT – THE ESTATES AT CANYON CREST PHASES IIIC-3, IVA-1, IVA-2 & IVA-3: *Considering a proposal to plat approximately 20.13 acres of property located within the Canyon Crest Planned Unit Development’s Phase III and IV planning areas, into 70 lots. The proposed development is adjacent to the northerly edge of the existing Estates at Canyon Crest Phase IIIB-2 and the proposed Phase IIIC-2 developments***
- D. PRELIMINARY PLAT EXTENSION REQUEST – VALLEY VISTA HEIGHTS, BLOCK 18: *Considering a proposal to plat or re-plat approximately .71 acres of property located within Stages 2 and 5 of the Valley Vista PUD into 2 lots***
- E. VOUCHER’S PAYABLE: *Considering approval of the Vouchers Payable dated 06/24/22 through 07/07/22 - \$956,356.57* – Action Item**

VII. ACTIVE AGENDA

- A. RESOLUTION 2022-23: *Considering the destruction of certain Administrative Services Department records (Gordon)***

Councilor Schroeder and Councilor Tousley moved and seconded approval of Resolution 2022-23. The motion carried. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Schroeder; Tousley. VOTING NAY: None. EXCUSED: Kleeburg.*

B. GREENFIELDS OUTDOOR FITNESS EQUIPMENT AND SHADE STRUCTURES:
Considering accepting the price proposal submitted by Greenfields Outdoor Fitness, Inc., per the Sourcewell contract in the amount of \$158,063.35 (Barker)

A motion was offered by Councilor Schroeder to approve the purchase of outdoor fitness equipment and shade structures from Greenfields Outdoor Fitness, Inc., in the amount of \$158,063.35. The motion failed for lack of a second.

Parks and Recreation Director Barker explained that the Department would like to purchase outdoor fitness equipment and shade structures from Greenfields Outdoor Fitness by utilizing the Sourcewell Greenfields contract. The equipment would be included in the bid specifications for the Community Park Parking Lot Phase 2 project and would be installed by the awarded contractor. Purchasing the equipment directly from the manufacturer per the Sourcewell contract is beneficial for the City in that it ensures quality equipment for the project, saves the City and taxpayers money due to the discount, and avoids the typical contractor markup. The FY22 budget contains \$1.5 million for Community Park development, and total cost of this equipment is \$158,063.35.

Council President Liedkie asked if this equipment was approved specifically or if it was just lumped into the budget. She also questioned the validity of the prices from Sourcewell. Mr. Barker indicated that in checking into this type of equipment with other vendors, he found it to be about \$40,000 above the Sourcewell amount. Purchasing Agent Schwank added that Sourcewell considers quality, performance and the cost. Contractors are ranked and Greenfield came out the highest. Another benefit of utilizing Sourcewell is that it saves staff time in putting bids together and all the work associated with that process.

Continuing, Mr. Barker explained that Phase II of the Community Park project included this equipment. He noted that the design work for Phase II cannot be completed until this purchase is made.

Council President Liedkie asked if the amount of the proposed exercise equipment is close to the amount needed for the Fenton Gym replacement. Mr. Barker replied that would cost between \$175,000 and \$200,000.

Councilor Tousley expressed concern that Phase II cannot move forward without purchasing the exercise equipment. He asked if the equipment is similar to that along the levee. Parks & Recreation Director Barker said it is somewhat similar, but more advanced and includes outdoor shade structures to help with weathering. The current trend is to create a sense of community by locating the equipment in one location.

Councilor Schroeder again moved to approve the proposal submitted by Greenfields Outdoor Fitness per the Sourcewell contract in the amount of \$158,063.35. The motion was seconded by Councilor Tousley.

Councilor Forsmann said she believes this would be a great addition, but said she believes the money could be used for other projects needing attention, such as Fenton Gym.

Councilor Tousley said if this project is something that will draw more people to Community Park, he believes it is a good purchase.

Responding to a question regarding accessibility, Mr. Barker explained that the equipment would be accessible from both the pathway system and the parking lot. This initial purchase would allow completion of this area to include landscaping, benches, drinking fountains and a basketball area.

The motion to approve failed. *ROLL CALL VOTE: VOTING AYE: Schroeder; Tousley. VOTING NAY: Liedkie; Forsmann. EXCUSED: Kleeburg. Mayor Johnson voted nay.*

- C. REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS RELATED TO AP-01-22:** *Considering approval of the Reasoned Statement for AP-01-22, an appeal by Haener Properties LTD regarding the Planning & Zoning Commission's decision in CUP22-000002, a conditional use permit application by LC Valley Adult Resource Center to operate a homeless shelter at 1332 G Street*

It was moved by Councilor Tousley and seconded by Councilor Forsmann to approve the Reasoned Statement for AP-01-22 as presented. The motion carried 3 to 1, with Councilor Schroeder voting nay and Councilor Kleeburg excused.

D. ORDINANCES

1. Second and Third Readings

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

It was moved and seconded by Councilors Schroeder and Tousley to combine the second and third readings and waive the third reading in full of Ordinance 4853. The motion carried 4 to 0, with Councilor Kleeburg excused.

A motion was then made by Councilor Schroeder to approve the second and third readings of Ordinance 4853. Councilor Tousley provided a second.

Councilor President Liedkie said she is excited about growing food vendors. She said she would like to see the parking requirements removed as this is

prematurely legislating an issue that doesn't exist and could cause issues for the vendors.

Council President Liedkie moved to approve the amendments set forth in the proposed Ordinance, except for amendments under 21-85, Standards, Subsection c. Councilor Forsmann seconded the motion.

The amendment carried 4 to 0 with Councilor Kleeburg excused.

Councilor Tousley moved to read. Councilor Forsmann seconded. The motion carried 4 to 0, with Councilor Kleeburg excused.

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. *Adoption and Approval of Ordinance Summary*

a. *Ordinance 4853* - Action Item

A motion was offered by Councilor Schroeder and seconded by Councilor Tousley to adopt Ordinance 4853 and approve the related Ordinance Summary. ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Schroeder; Tousley. VOTING NAY: None. EXCUSED: 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 Schroeder said she attended the Station 4 tour and certainly agrees a new fire station is needed as it is an unhealthy environment for the employees. She stressed that construction of a new station is definitely the right thing to do.

Councilor Forsmann reported that she saw the production of “Newsies” at the Lewiston Civic Theater, adding that it was impressive. She encouraged continued community support. Councilor Tousley agreed, adding that the city’s contribution gives this community a huge bang for the buck.

Councilor Tousley said he too went to the Station 4 open house. This station has certainly served its purpose, but now provides hazards for the employees. Mr. Tousley stated he was very disappointed in the number of attendees, noting that this supports his belief that the majority of people in the City are in support of a new station.

Council President Liedkie said she believes that Zoom should be a last resort option for attendance at meetings, only in those instances when councilors cannot participate otherwise. She too said that she attended all six performances of Newsies Jr. and is blown away by the talent in this community.

B. CITY BOARDS AND COMMISSION LIAISON UPDATES

None.

C. MAYOR COMMENTS

Mayor Johnson announced that this year is the 32nd anniversary of the signing of the Americans with Disabilities Act, a very important piece of legislation for this country.

The Mayor then thanked Library Director Johnson for allowing him to spend time at the library. He said the experience was very educational and he appreciates all the staff do.

Mayor Johnson also thanked Captain Klone for serving the community by stepping up to the plate to serve as Interim Police Chief following the retirement of Chief Hurd.

Dustin Johnson said that a tour of the water and wastewater plants was scheduled; however, with the extreme hot weather, he noted that he would be rescheduling this event when the weather is cooler.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

Mayor Johnson moved to appoint Sheila Bond to the Urban Renewal Agency. The motion was seconded by Councilor Schroeder and carried 4 to 0, with Councilor Kleeburg excused.

E. AGENDA TOPICS

None.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Schroeder and Forsmann moved and seconded, respectively, adjournment of the July 25, 2022, Regular Meeting at 7:49 p.m.