

*August 22, 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. 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>

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**COUNCIL MEMBERS PRESENT:** Mayor Johnson; Council President Liedkie; Councilor Kleeburg; Councilor Schroeder; Councilor Forsmann; Councilor Tousley

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

City Attorney Gomez led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

John Evans, Lewiston, representing the Boys and Girls Club, commented on the contract with the City of Lewiston noting that it has been a great partnership and collaboration. Mr. Evans provided statistics related to the number of kids and total scholarship amount and explained the funding from the City allows them to leverage other funds.

Diana Ames, Lewiston, said she is distressed to hear about the potential loss of funding to the Boys & Girls Club, Beautiful Downtown Lewiston and Valley Vision, which are all central to the City. Ms. Ames encouraged Council to keep the funding because the contracts are essential to improving the City.

Troy Ledgerwood, Chairman of the Board of Valley Vision, provided information related to their contract with the City. Mr. Ledgerwood thanked and encouraged Council to continue supporting them.

Matt Gower, Lewiston, commented about additional locations for transit stops and other concerns he had relative to compost, crimes and the business district.

**IV. PRESENTATIONS**

1. **FINANCIAL REPORT - JULY 2022:** *Financial report for July 2022, in accordance with Idaho Code 50-208*

No oral report.

**V. PUBLIC HEARINGS AND RELATED ACTION ITEMS**

- A. **PUBLIC HEARING: PUBLIC WORKS OTHER RELATED FEES:** *Accepting testimony on the consideration of fees for Right-of-Way or Easement Vacations, Right-of-Way Permits and Subdivision Reviews for Fiscal Year 2023*

Stating it was the time and place advertised for the public hearing regarding the public works other related fees, Mayor Johnson opened the public hearing and asked that a staff report be provided.

Public Works Director Johnson reported that at the previous Council meeting, there were concerns related to Section 6 of the resolution which related to public assemblies and fees. Non-profit organizations did not pay a permit fee, while other businesses did. Hot August Nights is currently the only for-profit that puts on an event and the resolution would require every application to pay a fee.

Mayor Johnson called for testimony, both in favor and against, the Public Works Other Related fees. There being none, he declared the hearing closed.

- B. **RESOLUTION 2022-38:** *Considering restating and amending fees for Vacations of Public Rights-of-Way, Easements, and Plats; Right-of Way Permits, Subdivision filings, and other related Public Works fees, effective October 1, 2022*

A motion was offered by Councilor Liedkie and seconded by Councilor Schroeder to approve Resolution 2022-38. ROLL CALL VOTE: VOTING AYE: Kleeburg, Schroeder, Liedkie, Forsmann, Tousley. VOTING NAY: None

**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 Liedkie requested Item C. Voucher’s Payable be moved to the Active Agenda for discussion.

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

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** *06/13/2022 Regular; 07/25/2022 Regular*

- B. **PRELIMINARY PLAT – RAINWOOD WEST ADDITIONS:** *Considering the subdivision of approximately 1.10 acres of property located along the west side of the 3200 Block of 7<sup>th</sup> Street, into 4 development lots*
  
- C. **VOUCHER’S PAYABLE:** *Considering approval of the Voucher’s Payable dated 07/22/22 through 08/04/22 - \$2,202,956.36 - Moved to Active Agenda IX. A.*

**VII. ACTIVE AGENDA**

**A. ORDINANCES**

**1. SECOND AND THIRD READINGS:**

- a. **Ordinance 4855:** *Implementing the City Council’s decision in ZNC22-000005, declaring that certain real property be removed from the Agricultural Transitional (F-2) Zone and included in the Low Density Residential (R-2A) Zone*

Councilors Liedkie and Schroeder moved and seconded, respectively, to combine the 2<sup>nd</sup> and 3<sup>rd</sup> readings and waive the 3<sup>rd</sup> reading in full of Ordinance No. 4855. The motion carried 5-0.

Councilors Liedkie and Schroeder moved and seconded, respectively, to approve the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance No. 4855. The motion carried 5-0.

ORDINANCE NUMBER 4855: AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL’S DECISION IN ZNC22-000005, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE AGRICULTURAL TRANSITIONAL (F-2) ZONE AND INCLUDED IN THE LOW DENSITY RESIDENTIAL (R-2A) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE.

- b. **Ordinance 4861:** *Considering amending Section 2-42 of the Lewiston City Code to establish a reappointment process for members of City Advisory Boards and Commissions*

Councilor Tousley moved to combine the 2<sup>nd</sup> and 3<sup>rd</sup> readings and waive the 3<sup>rd</sup> reading in full of Ordinance No. 4861. Councilor Liedkie seconded and the motion carried 5-0.

Councilors Schroeder and Kleeburg moved and seconded, respectively, to approve the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance No. 4861. The motion carried 5-0.

ORDINANCE NUMBER 4861: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 2-42 OF THE LEWISTON CITY CODE TO ESTABLISH A REAPPOINTMENT PROCESS FOR MEMBERS OF CITY ADVISORY BOARDS AND COMMISSIONS; AND PROVIDING AN EFFECTIVE DATE.

2. THIRD READING:

- a. Ordinance 4856: *Considering amending Ordinance 4828, the Annual Appropriations Ordinance for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, appropriating additional monies that are to be received by the City of Lewiston in the sum of \$19,302,140*

Councilor Tousley moved to waive the 3<sup>rd</sup> reading in full of Ordinance No. 4856. Councilor Liedkie seconded and the motion carried 5-0.

Councilors Tousley and Liedkie moved and seconded, respectively, to approve the 3<sup>rd</sup> reading of Ordinance No. 4856. The motion carried 5-0.

ORDINANCE NUMBER 4856: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING ORDINANCE NUMBER 4828, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF LEWISTON, IDAHO IN THE SUM OF NINETEEN MILLION THREE HUNDRED TWO THOUSAND ONE HUNDRED FORTY (\$19,302,140); AND PROVIDING AN EFFECTIVE DATE.

- b. Ordinance 4858: *To be termed the "2023 Annual Appropriation Ordinance" considering appropriating sums of money authorized by law and deemed necessary for all general and special municipal purposes of the City of Lewiston for the fiscal year commencing October 1, 2022 and ending September 30, 2023*

Councilors Schroeder and Liedkie moved and seconded, respectively, to waive the 3<sup>rd</sup> reading in full of Ordinance No. 4858. The motion carried 5-0.

Councilors Schroeder and Tousley moved and seconded, respectively, to approve the 3<sup>rd</sup> reading of Ordinance No. 4858.

Councilor Liedkie moved to amend the budget to move all five service contracts from the Legislative Fund into the Contingency Fund. The motion was seconded by Councilor Forsmann. After discussion, the motion was withdrawn.

Councilors Liedkie and Forsmann moved and seconded, respectively to amend Ordinance 4858 by reducing the Legislative Services Fund by \$132,170 and increasing Council Contingency Fund by \$132,170. The amendment passed 3-2 with Councilors Schroeder and Kleeburg voting nay.

The main motion carried 3-2 with Councilors Schroeder and Kleeburg voting nay.

ORDINANCE NUMBER 4858: AN ORDINANCE OF THE CITY OF LEWISTON, TO BE TERMED THE "2023 ANNUAL APPROPRIATION ORDINANCE," APPROPRIATING SUMS OF MONEY AUTHORIZED BY LAW AND DEEMED NECESSARY FOR ALL GENERAL AND SPECIAL MUNICIPAL PURPOSES OF THE CITY OF LEWISTON, IDAHO, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; AND PROVIDING AN EFFECTIVE DATE.

- c. *Ordinance 4859:* *Considering fixing and establishing the tax certification on all taxable properties situated within the corporate limits of the City of Lewiston for the fiscal year commencing October 1, 2022 and ending September 30, 2023, for the purpose of providing and raising monies for municipal and corporate purposes; providing for the tax certification to the Nez Perce Board of County Commissioners in the amount of \$23,308,020*

Councilors Schroeder and Kleeburg moved and seconded, respectively, to waive the 3<sup>rd</sup> reading in full of Ordinance No. 4859. The motion carried 5-0.

Councilors Schroeder and Tousley moved and seconded, respectively, to approve the 3<sup>rd</sup> reading of Ordinance No. 4859. The motion carried 5-0.

ORDINANCE NUMBER 4859: AN ORDINANCE OF THE CITY OF LEWISTON FIXING AND ESTABLISHING THE TAX CERTIFICATION ON ALL TAXABLE PROPERTIES SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LEWISTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023, FOR THE PURPOSE OF PROVIDING AND RAISING MONIES FOR MUNICIPAL AND CORPORATE PURPOSES; PROVIDING FOR THE TAX CERTIFICATION TO THE BOARD OF COUNTY COMMISSIONERS OF NEZ PERCE COUNTY, IDAHO IN THE AMOUNT OF TWENTY-THREE MILLION THREE HUNDRED EIGHT THOUSAND TWENTY DOLLARS (\$23,308,020); PROVIDING A CERTIFIED COPY OF THE 2023 ANNUAL APPROPRIATION ORDINANCE TO THE BOARD OF COUNTY COMMISSIONERS OF NEZ PERCE COUNTY, IDAHO, AS ADOPTED BY

THE CITY OF LEWISTON FOR THE 2022-2023 FISCAL YEAR; AND  
PROVIDING AN EFFECTIVE DATE.

3. ADOPTION AND APPROVAL OF ORDINANCE SUMMARY

a. Ordinance 4855

b. Ordinance 4861

Councilor Schroeder moved to adopt Ordinance numbers 4855 and 4861 and approve the related ordinance summaries. Councilor Liedkie seconded. ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Liedkie; Forsmann; Tousley. VOTING NAY: None.

4. ADOPTION

a. Ordinance 4856

b. Ordinance 4858

c. Ordinance 4859

Councilor Forsmann moved to adopt Ordinance numbers 4856, 4858 and 4859. Councilor Liedkie seconded.

Councilor Schroeder offered a substitute motion to adopt Ordinance numbers 4856 and 4859. Councilor Kleeburg seconded for discussion. The substitute motion failed for lack of majority. ROLL CALL VOTE: VOTING AYE: Schroeder. VOTING NAY: Kleeburg; Liedkie; Forsmann; Tousley.

The main motion to adopt Ordinance numbers 4856, 4858 and 4859 carried. ROLL CALL VOTE: VOTING AYE: Kleeburg; Liedkie; Forsmann; Tousley. VOTING NAY: Schroeder.

B. REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZNC22-000005: *Considering the Reasoned Statement of Relevant Criteria and Standards for ZNC22-000005*

A motion was offered by Councilor Tousley to approve the reasoned statement for ZNC22-000005 as written. Councilor Forsmann seconded and the motion carried 5-0.

- C. **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR SUB22-000010:** *Considering the Reasoned Statement of Relevant Criteria and Standards for SUB22-000010, a subdivision application submitted by Jon Ruark for property located at 1524 9<sup>th</sup> Avenue*

A motion was offered by Councilor Schroeder to approve the reasoned statement for SUB22-000010. Councilor Forsmann seconded and the motion carried 5-0.

- D. **LHTAC AND LOCAL AGREEMENT FOR FUNDING:** *Considering an agreement for Project No. CPS 2022-18; 2022 Local Children Pedestrian Safety (CPS) Program; 19<sup>th</sup> Avenue Sidewalk Infill*

Councilors Schroeder and Forsmann moved and seconded, respectively, to approve the LHTAC/Local Agreement for Project CPS #2022-18 between the City of Lewiston and Local Highway Technical Assistance Council. ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Liedkie; Forsmann; Tousley. VOTING NAY: None.

- E. **WATER TREATMENT PLANT CONTRACT AMENDMENT:** *Considering an amendment to the Water Treatment Plant contract for improvements to the Water Administration building*

Councilors Kleeburg and Tousley moved and seconded, respectively, to approve the Administration Building and Filtered Water Pump Station Amendment to the Progressive Design-Build Agreement between the City of Lewiston and IMCO General Construction, Inc. ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Liedkie; Forsmann; Tousley. VOTING NAY: None.

## VIII. **PUBLIC HEARINGS AND RELATED ACTION ITEMS**

- A. **PUBLIC HEARING: FORGONE TAXES:** *Accepting testimony on the consideration of accruing forgone tax which equates to the amount of property tax the Council elects to not levy for amounts that are less than the 3 percent increase as permitted for the 2023 fiscal year*

Stating it was the time and place advertised for the public hearing regarding forgone taxes, Mayor Johnson opened the public hearing and asked that a staff report be provided.

City Treasurer Gordon reported on the forgone taxes. Ms. Gordon explained she was contacted by Nez Perce County regarding the maximum amount available, which is actually \$702,710 instead of the \$702,975 that was originally provided and published. She commended the directors of each department for working to cut the budgets by 2% and thanked the Council.

Mayor Johnson called for testimony, both in favor and against, the forgone taxes.

Deputy City Clerk Brocke read a letter from Gabe Jacoboni that highly encouraged the Council not to take the 3% in forgone tax revenue.

- B.** **RESOLUTION 2022-31:** *Considering reserving the right to recover \$702,975 of forgone increase for Fiscal Year 2023 in a subsequent year, pursuant to Idaho Code § 63-802(1)(f)*

Councilors Schroeder and Tousley moved and seconded, respectively, to approve Resolution 2022-31.

Councilors Schroeder and Kleeburg made a motion to amend Resolution 2022-31 to reserve the right to recover \$702,710 of forgone increase for fiscal year 2023.

Councilor Liedkie made a substitute motion to amend Resolution 2022-31 to reserve the right to recover \$350,000 of forgone increase for fiscal year 2023. Councilor Forsmann seconded and the motion failed for lack of majority. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann. VOTING NAY: Kleeburg; Schroeder; Tousley.*

The motion to amend Resolution 2022-31 to reserve the right to recover \$702,710 of forgone increase for fiscal year 2023 passed. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Tousley. VOTING NAY: Liedkie; Forsmann.*

The main motion to approve Resolution 2022-31, as amended, passed. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Tousley. VOTING NAY: Liedkie; Forsmann.*

**IX. ITEMS MOVED FROM THE CONSENT AGENDA**

- A.** **VOUCHER'S PAYABLE:** *Considering approval of the Voucher's Payable dated 07/22/22 through 08/04/22 - \$2,202,956.36*

Councilors Liedkie and Schroeder moved and seconded, respectively, approval of the voucher's payable. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Liedkie; Forsmann; Tousley. VOTING NAY: None.*

**X. 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 thanked the street crews for their work.

Councilor Forsmann provided a shout out to the Lewiston High School football team who went to a citizen's house to provide help. She said she appreciates how they helped those in need and showed their community love.



Councilor Kleeburg recognized the contributions that City Attorney Gomez made to the City. Ms. Gomez has been offered a new position at Schweitzer Engineering. He said he appreciated her enthusiasm and leadership and wished her the best.

Councilor Forsmann also recognized Ms. Gomez's compassion, was honored to work with her and thanked Ms. Gomez for her dedicated service.

Councilor Liedkie thanked Ms. Gomez for her services stating it was a job well done.

City Attorney Gomez expressed her appreciation of the Council and staff, adding she has enjoyed working for the City. She said she is grateful for the opportunity and can't express her thanks enough.

**B. CITY BOARDS AND COMMISSION LIAISON UPDATES**

None.

**C. MAYOR COMMENTS**

Mayor Johnson thanked Ms. Gomez for her hard work and expressed appreciation for all she has done.

Mayor Johnson mentioned the Nez Perce County Courthouse and the pressure to get the project completed could affect staff. It is a great opportunity for the City and County to work together and he looks forward to working with them.

Captain Klone provided an update on the new Chief of Police. Jason Kuzik is waiting for the background check to clear and has some great ideas. Mr. Kuzik is on top of things already and is excited to start.

Mayor Johnson brought up the vacant Councilor seat and mentioned that the applications were distributed to the City Council for review. The Council will discuss the applications at a special work session on September 6th.

Mayor Johnson responded to Mr. Gower's comment on the transit stops and noted the Transit Manager is working on getting additional stops.

**D. ADVISORY BOARD OR COMMISSION APPOINTMENTS**

None.

**E. AGENDA TOPICS**

None.

**XI. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Councilors Forsmann and Schroeder moved and seconded, respectively, adjournment of the August 22, 2022, Regular Meeting at 8:03 p.m. The motion carried 5-0.