

SEPTEMBER 13, 2021

THE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, September 13, 2021, at the Lewiston City Library, 411 D Street. Mayor Pro Tem Schroeder called the meeting to order at 6:00 p.m.

I. ROLL CALL

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

II. PLEDGE OF ALLEGIANCE

Mayor Collins 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.*

John Fisher, Normal Hill, said that over the past six weeks he has spent well over 100 hours and money surveying trees within city parks, along city streets, at the cemetery, in parking lots, at private homes, and within the LCSC and high school campuses. He expressed concern for the lack of care the trees are receiving, noting that many are either dead or dying. Mr. Fisher provided a handout explaining that simple care could have saved the city hundreds of thousands of dollars over the years and encouraged the Council to take action.

Hannah Liedke spoke to the Proclamation on this evening's agenda for Direct Support Professional Recognition Week. She noted that words like coaching, transporting, advocacy, creative problem solving, companionship, teaching and behavior intervention capture some of the things Direct Support Professionals (DSPs) do on a daily basis. Without their needed support, many community members would require institutionalization or would be homeless. Ms. Liedke thanked the Council for supporting this very important week, noting it is time to recognize a work force that shows up every day to serve people with disabilities so they can have quality lives.

John Michael, Lewiston, expressed concern about comments he heard from Councilor Blakey regarding Councilor Bradbury, the lack of an unelected official on the Urban Renewal Agency Board, and his belief that it is unethical to have a newspaper publisher on that same board.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. PROCLAMATION: DIRECT SUPPORT PROFESSIONAL RECOGNITION WEEK - SEPTEMBER 12-18, 2021

Mayor Collins read the Proclamation for Direct Support Professional Recognition Week and presented it to Ms. Hannah Liedke.

V. CONSENT AGENDA

Mayor Collins 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 Kelly requested that Item E, Intergovernmental Agreement for EMS, be moved to Active Agenda, Item F, for discussion.

A motion was offered by Councilor Blakey and seconded by Mayor Pro Tem Schroeder to approve the Consent Agenda, as amended. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- A. **CITY COUNCIL MEETING MINUTES:** 07/01/21 Budget Work Session - Action Item
- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** 05/19/21 Parks & Recreation Commission - Action Item
- C. **ADMINISTRATIVE PLAT - ZANY'S ADDITION:** Considering approval of a two-lot subdivision located south of 19th Avenue between 17th Street and Thain Grade - Action Item
- D. **FINAL PLAT - NORTHEAST CROSSING ADDITION PHASE IVB -** Considering approval of the northerly extension of Pathfinder Way and completion of the east-west street known as Frontier Drive, in addition to all associated water, wastewater and stormwater improvements within Phase IVB - Action Item
- E. **INTERGOVERNMENTAL AGREEMENT FOR EMS:** Considering approval of an Intergovernmental Agreement for EMS between the City of Lewiston and Asotin County - Action Item (Moved to Active Agenda Item F. 1.)
- F. **SCHOOL RESOURCE OFFICER AGREEMENT:** Considering approval of an SRO Agreement, effective August 30, 2021, through June 7, 2022, between the City of Lewiston and the Independent School District No. 1 - Action Item

VI. ACTIVE AGENDA

- A. **IAFF COLLECTIVE BARGAINING AGREEMENT (AMENDED):** Considering approving the Collective Bargaining Agreement between the City and International

Association of Firefighters (IAFF) Local 1773 for the period October 1, 2021, through September 30, 2024 – Action Item (Province)

Human Resources Director Province explained that this item was before the Council at a previous meeting for consideration. However, it was determined after that meeting that Article 24 was missing some agreed upon language. Therefore, it is back before the City Council this evening.

It was moved and seconded by Mayor Pro Tem Schroeder and Councilor Miller to approve the IAFF Collective Bargaining Agreement as amended.

Councilor Blakey asked if the newly established federal holiday, Juneteenth, was missing from the contract. City Manager Nygaard explained that a new city-wide policy which contains this new holiday is currently under review and will be brought before the Council for consideration at a future meeting.

ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.

- B. TR057 RAILROAD CROSSING REMOVAL AGREEMENT: *Considering a Cooperative Agreement between the City of Lewiston and the Idaho Transportation Department – Action Item (D. Johnson)***

Public Works Director Johnson indicated that this is an agreement with the Idaho Transportation Department for removal of railroad crossings on D Street, Main Street and Bypass Road.

Councilor Blakey asked who will own the rail beds once the tracks are removed. Mr. Johnson reported that staff is reviewing where the ownership will lie.

Mayor Pro Tem Schroeder moved to approve the Railroad Crossing Agreement between the City of Lewiston and the Idaho Transportation Department. The motion was seconded by Councilor Blakey and carried. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- C. WATER TREATMENT PLANT RETROFIT – SECOND AMENDMENT FOR EARLY WORK, PROCUREMENT OF MEMBRANE FILTRATION SYSTEM: *Considering approval of the Second Amendment to the Progressive Design Build Agreement with IMCO General Construction, Inc. – Action Item (Bailey)***

Public Works Director Johnson reported that this is the second amendment for the early work project for the Water Treatment Plant reconstruction. This \$4.3 million expenditure will bring the total contract to roughly half of the projected \$27 million project. A final package for construction will be brought before the Council within the next month or so and the treatment plant will be under construction in October.

Councilor Kelly asked if the first and second amendments to the contract are overrun due to lack of supplies, or if the contractor is just spending ahead. Mr. Johnson indicated that it is not overrun. Items are being purchased as they are available. Answering another question raised by Councilor Kelly regarding maintenance of the membranes, Mr. Johnson noted that City staff will be able to maintain them as part of normal operation of the plant.

Councilor Pernsteiner asked if storage costs are being incurred as items are purchased early. Mr. Johnson reported that there is an extra cost; however, it is not passed onto the city and falls under the total \$27 bid package.

A motion and second were offered by Mayor Pro Tem Schroeder and Councilor Blakey, respectively, to approve the Second Amendment to the Progressive Design-Build Agreement between the City of Lewiston and IMCO General Construction, Inc. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

D. ORDINANCES

1. Third Reading

- a. Ordinance 4814: Making the findings required by Idaho Code § 50-2008 to approve an Urban Renewal Plan and Urban Renewal projects; approving the “Urban Renewal Plan for Revenue Allocation Area #7 Downtown/Normal Hill Area”; creating a Revenue Allocation Area as part of such Urban Renewal Plan; describing the requirement for how the Nez Perce County Commissioners are to levy taxes by or for each taxing district in which Revenue Allocation Area #7 is located – Action Item (Von Tersch)**

It was moved and seconded by Mayor Pro Tem Schroeder and Councilor Blakey to waive the third reading in full of Ordinance 4814. The motion carried 6 to 1, with Councilor Pernsteiner voting nay.

Mayor Pro Tem Schroeder then offered a motion to approve the third reading of Ordinance 4814 by title only. Councilor Blakey seconded the motion.

Councilor Bradbury expressed concern for an unelected URA Board that has the ability to incur long-term debt without the approval of the voters. He said approval of this Ordinance denies the citizens of Lewiston an opportunity to vote and therefore he opposes its passage.

The motion to read carried 5 to 2, with Councilors Bradbury and Pernsteiner voting nay.

ORDINANCE 4814: "AN ORDINANCE OF THE CITY OF LEWISTON MAKING THE FINDINGS REQUIRED BY IDAHO CODE § 50-2008 TO APPROVE AN URBAN RENEWAL PLAN AND URBAN RENEWAL PROJECTS; APPROVING THE "URBAN RENEWAL PLAN FOR REVENUE ALLOCATION AREA #7 DOWNTOWN/NORMAL HILL AREA"; CREATING A REVENUE ALLOCATION AREA AS PART OF SUCH URBAN RENEWAL PLAN; DESCRIBING THE REQUIREMENT FOR HOW THE NEZ PERCE COUNTY COMMISSIONERS ARE TO LEVY TAXES BY OR FOR EACH TAXING DISTRICT IN WHICH REVENUE ALLOCATION AREA #7 IS LOCATED; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO THE NEZ PERCE COUNTY AUDITOR AND TAX ASSESSOR, THE AFFECTED TAXING DISTRICTS, AND TH STATE TAX COMMISSION; PROVIDING A LIMITATION ON ACTIONS AGAINST SUCH URBAN RENEWAL PLAN; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE"

2. *Adoption of Ordinance and Approval of Ordinance Summary*

a. *Ordinance 4814* - Action Item

It was moved and seconded by Mayor Pro Tem Schroeder and Councilor Miller, respectively, to adopt Ordinance 4814. ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller. VOTING NAY: Bradbury; Pernsteiner.

- E. *UPDATE - 854 AND 858 MAIN STREET*: Receiving an update regarding the nuisance building located at 854 and 858 Main Street and potential direction from the City Council regarding said nuisance - Action Item (Hermann)

Assistant City Attorney Hermann explained that Building Official Smith was expecting to receive the engineer's report the week of August 23rd. When it didn't come in, he sent Mr. Khurana a letter dated August 30th telling him to remove the building. Upon receiving the engineer's report that same afternoon, Mr. Smith sent a revised letter and demolition application to Mr. Khurana directing him to comply with the engineer's report, as well as other issues such as rerouting the water and electrical components by no later than October 1st.

Mr. Smith noted that they are now 13 days into the 30-day time limit and there has been no action. Mayor Pro Tem Schroeder asked that an update be provided at each city council meeting.

F. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

1. **INTERGOVERNMENTAL AGREEMENT FOR EMS**: *Considering approval of an Intergovernmental Agreement for EMS between the City of Lewiston and Asotin County - Action Item (Moved to Active Agenda Item F. 1.)*

Councilor Kelly referred to page 8 of the agreement wherein it notes a \$550 charge per ambulance response. He asked if this is charged for all calls, with or without transport. Fire Chief Myklebust confirmed, noting that this is the same contract the city has with Nez Perce County and is based on cost per call, whether a patient is transported or not. He noted that the entity is charged quarterly for non-transport, making it fair and equitable to those the city has EMS contracts with.

A motion was offered by Mayor Pro Tem Schroeder to approve the Intergovernmental Agreement for EMS between the City of Lewiston and Asotin County. Councilor Blakey provided a second. **ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.**

VII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Bradbury addressed the COVID-19 situation in the valley. During the city's mask mandate, there was only one death within the city due to COVID. Since the Council chose to terminate that mandate four-and-a-half months ago, there have been 16 deaths and up to 90 infections per day. Mr. Bradbury read an excerpt from a letter prepared by the emergency room doctor at St. Joseph Regional Medical Center wherein he expressed his frustration for the lack hospital beds because they are full of unvaccinated

patients. Three meetings ago, Councilor Bradbury said he asked that the topic of masks be placed on an agenda for discussion, but the Council instead chose to have an update from the Health Department. With the rodeo's recent huge attendance and the upcoming Nez Perce County Fair, the Council has failed in its duties to provide public safety and health.

Mayor Pro Tem Schroeder asked if representatives from S. Joseph Regional Medical could also attend the upcoming public health meeting to talk about the potential use of Quonset huts.

B. CITY MANAGER COMMENTS

City Manager Nygaard announced that a public health update by Carol Moehrle is scheduled for September 20, 2021, at 5:15 p.m. at the Bell Building, as well as via Zoom.

Mr. Nygaard also reported that the City has reinstated the wearing of masks for employees when unable to social distance. Fire Department staff have been working through the process of a vaccination requirement instituted by Governor Inslee as Fire employees provide services in Washington.

Councilor Blakey noted that he recently had to show proof of vaccination to the School District in Clarkston in order to remain employed. He asked if the city has instituted this practice. City Manager Nygaard noted that the only employees that are currently under a mandate are the firefighters to the rules established by Governor Inslee.

In response to comments offered earlier by Councilor Bradbury, Councilor Miller noted the rodeo grounds are not located within the city and the Nez Perce County Fair is managed by the NPC Commissioners. She asked if Mr. Bradbury had contacted them to discuss his concerns. Mr. Bradbury replied that he believes a mask mandate within the city would have encouraged people at the rodeo to wear masks and because the fair building is located within the city, then wearing of masks would be required.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

There were no advisory board or commission appointments.

D. AGENDA TOPICS - ACTION ITEM

Councilor Kelly requested that a discussion on city trees be added to the next Work Session agenda. Councilor Blakey added that he would like to hear from Parks & Recreation Director Barker at that meeting, as well as if

there are any plans to put a City Forester back on the payroll. The Council concurred.

X. **ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Mayor Pro Tem Schroeder and Councilor Miller moved and seconded adjournment of the September 13, 2021, Regular Council Meeting at 7:01 p.m.

Kari Ravencroft, Recording Secretary

Date approved by City Council