February 12, 2024

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.

I. CALL TO ORDER

COUNCILORS PRESENT: Mayor Johnson; Council President Kleeburg; Councilor Forsmann; Councilor Klein; Councilor Schroeder; Councilor Spickelmire.

II. PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance.

III. CITIZENS COMMENTS

Curtis Sandau, a resident of Lewiston, provided comments related to the Twin City Foods property, water restrictions and the reservoir rupture.

Vickie Fadness, a resident of Lewiston, asked the City Council to consider passing a resolution in support of the library because they are facing legislation that will curtail the rights of minors to access library materials.

IV. 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".

Councilors Liedkie and Schroeder moved and seconded, respectively, adoption of the Consent Agenda. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire. VOTING NAY: None.*

A. **CITY COUNCIL MINUTES:** 1/16/2024 Joint City/County/Airport Special; 1/18/2024 Special; 1/22/2024 Regular; 1/29/2024 Special - Action Item

B. **ADVISORY BOARD/COMMISSION MINUTES:** 12/13/2023 Library Board of Trustees; 01/16/2024 Emergency Medical Services Advisory Board; 01/04/2024 Historic Preservation Commission - Action Item

C. **VOUCHER'S PAYABLE:** Considering approval of the Voucher's Payable dated 01/12/2024 - 01/25/2024 in the amount of $1,571,488.67 - Action Item

V. ACTIVE AGENDA

A. **UNITED AIRLINES MINIMUM REVENUE GUARANTEE:** Receiving an update regarding negotiations of a minimum revenue guarantee agreement with United Airlines for the 2024 fiscal year and discussion regarding the same - Action Item (Mayor Johnson)

Mayor Johnson informed the Council that the city is still waiting for a minimum revenue guarantee agreement from United Airlines. The City Attorney's office has been diligently researching the matter and are currently waiting to hear back from the Federal Aviation Administration Compliance Division for answers to their questions.

B. **RESOLUTION 2024-3:** Considering accepting and approving a right-of-way contract and claim for payment between Charles A. Browne and Virginia Browne, as grantors, and the City of Lewiston, as grantee, and authorizing the Mayor and City Clerk to execute and attest the contract and claim for payment - Action Item (Public Works Director Johnson)

Councilor Schroeder and Council President Kleeburg moved and seconded, respectively, to approve Resolution 2024-3. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire. VOTING NAY: None.*

C. **RESOLUTION 2024-4:** Considering declaring various items of City of Lewiston property to be surplus and providing for the public auction of said surplus property - Action Item (Finance Director Gordon)

Councilors Liedkie and Forsmann moved and seconded, respectively, to approve resolution 2024-4. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire. VOTING NAY: None.*

D. **ORDINANCES**

1. **SECOND/THIRD READINGS**

a. **ORDINANCE 4909:** Considering implementing the City Council's decision in ZNC23-7, declaring that certain real property be removed from the Higher Density Residential (R-4) Zone to the General Commercial (C-4) Zone and amending the official zoning map of the City of Lewiston - Action Item (Assistant Planner Hollingshead)

Council President Kleeburg moved, and Councilor Schroeder seconded to combine the second and third readings and waive the third reading in full of

Ordinance 4909. The motion passed 6-0.

Council President Kleeburg moved, and Councilor Schroeder seconded to approve the second and third readings of Ordinance 4909. The motion passed 6-0.

ORDINANCE 4909: AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC23-7, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE HIGHER DENSITY RESIDENTIAL (R-4) ZONE TO THE GENERAL COMMERCIAL (C-4) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE.

2. **ADOPTION AND APPROVAL OF ORDINANCE SUMMARIES**

a. **ORDINANCE 4909:** - Action Item

Councilors Schroeder and Forsmann moved and seconded, respectively, to adopt Ordinance 4909 and approve the related ordinance summary. *ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire. VOTING NAY: None.*

E. **REASONED STATEMENT ZNC23-7:** Considering approval of the Reasoned Statement of Relevant Criteria and Standards for ZNC23-7 - Action Item (Assistant Planner Hollingshead)

Councilor Schroeder moved to approve the Reasoned Statement for ZNC23-7 as written. Council President Kleeburg seconded, and the motion passed 6-0.

F. **BOLLINGER BUILDING:** Considering the offer(s) to purchase the Anne Bollinger Performing Arts Center by prospective purchaser(s) - Action Item (Assistant City Attorney Tengono)

Assistant City Attorney Tengono introduced Team B.M.C. - Silvercreek Realtor Gary Bergen to provide an update on the Bollinger Building negotiations. Mr. Bergen informed Councilors that Athena Hu, LLC will not sign the purchase and sale agreement until the parking issues have been resolved and that a new letter of intent had been received from Myron Gemmer, a developer from the Seattle area.

Assistant City Attorney Tengono then explained that it was not possible at this time to make the sale of the Bollinger Building contingent upon the sale of the Trevitt Park property, since it was not included in the original surplus auction for the Bollinger Building.

Councilor Liedkie moved to (1) terminate negotiations with Athena Hu, LLC for failure to maintain contact with the realtor, (2) direct the City's realtor to prepare a response accepting Myron Gemmer's Letter of Intent, (3) direct staff to negotiate a purchase and sale agreement with Myron Gemmer, and (4) authorize the preparation of other necessary conveyance documents for the City Council's consideration. Council President Kleeburg seconded, and the motion passed 6-0.

VI. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

VII. 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 expressed appreciation for calls that she received from citizens with concerns and that she would take the concerns into consideration.

Council President Kleeburg noted that he also received calls and emails regarding the United Airlines Minimum Revenue Guarantee agreement.

Councilor Klein thanked citizens for attending the meeting.

B. CITY BOARDS AND COMMISSIONS LIAISON UPDATES

Mayor Johnson reviewed the list of City Advisory Boards and Commissions and received updates from the Council liaisons.

Councilor Schroeder noted that the Lewis Clark Valley Metropolitan Planning Organization would have the Thain Road Study at the Home and Garden show in March.

C. MAYOR COMMENTS

Mayor Johnson shared a quote by Abraham Lincoln in honor of his birthday and announced that latest Living Lewiston magazine is now available.

D. ADVISORY BOARD AND COMMISSION APPOINTMENTS

1. **DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE:** Considering the appointment of Garrett Frei, Jake Greco, Stillman Norton, Tim Lynch and Dan Yonge to three (3) year terms - Action Item

   Mayor Johnson moved to approve the appointment of Garrett Frei to a three-year term on the Development Impact Fee Advisory Committee. Councilor

Liedkie seconded, and the motion passed 6-0.

Mayor Johnson moved to approve the appointment of Jake Greco to a three-year term on the Development Impact Fee Advisory Committee. Councilor Forsmann seconded, and the motion passed 6-0.

Mayor Johnson moved to approve the appointment of Stillman Norton to a three-year term on the Development Impact Fee Advisory Committee. Councilor Klein seconded, and the motion passed 6-0.

Mayor Johnson moved to approve the appointment of Tim Lynch to a three-year term on the Development Impact Fee Advisory Committee. Councilor Schroeder seconded, and the motion passed 6-0.

Mayor Johnson moved to approve the appointment of Dan Yonge to a three-year term on the Development Impact Fee Advisory Committee. Councilor Forsmann seconded, and the motion passed 6-0.

2. **PLANNING & ZONING COMMISSION:** Considering appointing Emily Wolf to a four (4) year term - Action Item

Mayor Johnson moved to approve the appointment of Emily Wolf to a four-year term on the Planning and Zoning Commission. Councilor Liedkie seconded, and the motion passed 6-0.

3. **HISTORIC PRESERVATION COMMISSION:** Considering the reappointment of Greg Follett for a three (3) year term and the appointment of Robert Reitz for a three (3) year term - Action Item

Mayor Johnson moved to approve the reappointment of Greg Follett to a three-year term on the Historic Preservation Commission. Councilor Forsmann seconded, and the motion passed 6-0.

Mayor Johnson moved to approve the appointment of Robert Reitz to a three-year term on the Historic Preservation Commission. Councilor Liedkie seconded, and the motion passed 6-0.

4. **EMERGENCY MEDICAL SERVICES ADVISORY BOARD:** Considering the reappointment of Serena Tschirgi to a four (4) year term - Action Item

Mayor Johnson moved to approve the reappointment of Serena Tschirgi to a four-year term on the Emergency Medical Services Advisory Board. Councilor Schroeder seconded, and the motion passed 6-0.

E. **AGENDA TOPICS:** - Action Item

VIII. **ADJOURNMENT** - Action Item

There being no further business to come before the Lewiston City Council, Council President Kleeburg and Councilor Schroeder moved and seconded, respectively, to adjourn the February 12, 2024 Regular Meeting. The motion carried 6-0 and the meeting adjourned at approximately 6:43 p.m.

CITY OF LEWISTON SEAL STATE OF IDAHO

Daniel G. Johnson, Mayor

Tanya M. Brocke, City Clerk