

August 12, 2024

THE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular Meeting in the Lewiston Library Second Floor Activity Room at 411 D Street. Mayor Johnson called the meeting to order at 6:00 PM.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance.

III. CITIZENS COMMENTS

Marvin Dugger, a resident of Lewiston, spoke about the Citizens for the Preservation of Fish and Dams and invited Councilors to attend the Pacific Northwest Fish Symposium on August 15th at the Walla Walla Community College.

IV. ACTIVE AGENDA

- A. CHANGE ORDER NO. 1: WASTEWATER IMPROVEMENT PROJECT (WW060) (IFB-24-001):** Considering approving Change Order No. 1 for Wastewater Improvement Project (WW060) in the total amount of \$1,850,481.50 and authorizing the Mayor to execute the change order - Action Item (Public Works Director Johnson)

Councilors Liedkie and Schroeder moved and seconded, respectively, to approve Change Order No. 1 for Wastewater Improvement Project (WW060) between Titan Technologies, Inc. and the City of Lewiston and authorize the Mayor to execute the change order. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- B. RESOLUTION 2024-35:** 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 Schroeder and Forsmann moved and seconded, respectively, to approve Resolution 2024-35. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- C. **RESOLUTION 2024-37:** Considering declaring certain vehicles in the possession of the Lewiston Police Department as surplus, and authorizing sale of said vehicles by auction pursuant to Idaho Code § 37-2744(e)(2) - Action Item (Finance Director Gordon)

Councilors Schroeder and Forsmann moved and seconded, respectively, to approve Resolution 2024-37. ***ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.***

- D. **AD HOC SUBCOMMITTEE: COMPREHENSIVE PLAN:** Considering the creation of an ad hoc committee of the City Council to make recommendations on the implementation of the Comprehensive Plan to include members of the Planning and Zoning Commission - Action Item (City Planner Plaskon)

Councilors Schroeder and Forsmann moved and seconded, respectively, to create an ad hoc committee of the City Council to make recommendations on the implementation of the Comprehensive Plan and to include members of the Planning and Zoning Commission. ***ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.***

E. **ORDINANCES**

1. **FIRST READING**

- a. **ORDINANCE 4922:** Considering amending Lewiston City Code Section 21-1(d) to add additional exemptions, Section 21-2 to add additional definitions, and Section 21-73 regarding event vendor licensing requirements - Action Item (City Planner Plaskon)

Councilor Schroeder and Council President Kleeburg moved and seconded, respectively, to approve the first reading of Ordinance 4922. The motion passed 6-0.

ORDINANCE 4922: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 21-1(d) OF LEWISTON CITY CODE TO ADD ADDITIONAL EXEMPTIONS; AMENDING SECTION 21-2 OF LEWISTON CITY CODE TO ADD ADDITIONAL DEFINITIONS; AMENDING SECTION 21-73 OF LEWISTON CITY CODE REGARDING EVENT VENDOR LICENSING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

- F. **LEWISTON WWTP WATERLINE EXTENSION: CE&I AMENDMENT:** Considering approving an amendment with Keller Associates, Inc. in the amount of \$99,500 for Construction Engineering and Inspection (CE&I) of the Lewiston Wastewater Treatment Plant Waterline Extension and authorizing the Mayor to

execute the contract amendment - Action Item (Public Works Director Johnson)

Councilors Schroeder and Spickelmire moved and seconded, respectively, to approve the first amendment to the Professional Services Agreement between Keller Associates, Inc. and the City of Lewiston and authorize the Mayor to execute the agreement. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

V. PUBLIC HEARINGS AND RELATED ACTION ITEMS

- A. PUBLIC HEARING: ZA-01-24:** Accepting testimony on Zoning Code Amendment ZA-01-24 to remove from Chapter 37 of Lewiston City Code various provisions throughout zoning districts that are under the authority of the Public Works Department, such as, but not limited, to requirements for the installation of street improvements and dedication of street right of way - Action Item (City Planner Plaskon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process, opened the public hearing and asked for the staff presentation.

City Planner Plaskon explained Zoning Amendment ZA-01-24 proposes to remove various provisions throughout zoning districts that are under the authority of the public works department, such as requirements for the installation of street improvements and dedication of street right-of-way from Chapter 37.

Mayor Johnson asked for public testimony. There being none, Mayor Johnson closed the public hearing.

- B. FIRST READING: ORDINANCE 4920:** Considering amending Lewiston City Code Sections 37-61, 37-66, 37-69.2, 37-73, 37-79 and 37-83 to remove references to development standards for sidewalks, Section 37-93.5 to remove dedication of right-of-way, Section 37-93.6 to remove the requirement that stormwater controls be incorporated into landscape buffers and statements of anticipated traffic generation, and Section 37-93.8 to add the City Engineer as administrator and remove sidewalk standards - Action Item (City Planner Plaskon)

Councilors Liedkie and Schroeder moved and seconded, respectively, to approve the first reading of Ordinance 4920. The motion passed 6-0.

ORDINANCE 4920: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 37-61, 37-66, 37-69.2, 37-73, 37-79, AND 37-83 OF THE LEWISTON CITY CODE TO REMOVE REFERENCES TO DEVELOPMENT STANDARDS FOR SIDEWALKS; AMENDING SECTION 37-93.5 OF THE LEWISTON CITY CODE TO REMOVE DEDICATION OF RIGHT-OF-WAY; AMENDING SECTION 37-93.6 OF THE LEWISTON CITY CODE TO REMOVE

THE REQUIREMENT THAT STORMWATER CONTROLS BE INCORPORATED INTO LANDSCAPE BUFFERS AND STATEMENTS OF ANTICIPATED TRAFFIC GENERATION; AMENDING SECTION 37-93.8 TO ADD THE CITY ENGINEER AS ADMINISTRATOR AND REMOVE SIDEWALK STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

- C. **PUBLIC HEARING: ZA-02-24:** Accepting testimony on Zoning Code Amendment ZA-02-24 to remove the prohibition against the use of shipping containers as buildings on residential and commercial properties and to amend the definition of "building" to include shipping containers in Chapter 37 of Lewiston City Code - Action Item (City Planner Plaskon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process and opened the public hearing.

City Planner Plaskon explained Zoning Amendment ZA-02-24 proposes to remove the prohibition against the use of shipping containers as buildings on residential and commercial properties, as well as amend the definition of "building" to include shipping containers in Chapter 37 of the Lewiston City Code.

Mayor Johnson asked for public testimony.

Bill Furstenu, a resident of Lewiston, voiced his opposition to the zoning amendment.

Two emails were received: Pat Hansen opposed the amendment, while Darlene Lambert supported the amendment but opposed the permit fee requirements. There being no further testimony, Mayor Johnson closed the public hearing.

- D. **FIRST READING: ORDINANCE 4921:** Considering repealing and reserving Section 37-129 of the Lewiston City Code related to the use of prefabricated containerized transport units as accessory buildings or storage units, and amending Section 37-3 to amend the definition of "building" to include shipping containers - Action Item (City Planner Plaskon)

Councilor Schroeder moved and Council President Kleeburg seconded to approve the first reading of Ordinance 4921.

Councilor Liedkie explained that she would be abstaining from the vote, as her employer, Opportunities Unlimited Inc., has two shipping containers on its lot.

The motion passed 4-1-1, with Councilor Spickelmire opposed and Councilor Liedkie abstaining.

ORDINANCE 4921: AN ORDINANCE OF THE CITY OF LEWISTON

REPEALING AND RESERVING SECTION 37-129 OF THE LEWISTON CITY CODE RELATED TO THE USE OF PREFABRICATED CONTAINERIZED TRANSPORT UNITS AS ACCESSORY BUILDINGS OR STORAGE UNITS; AND AMENDING SECTION 37-3 TO AMEND THE DEFINITION OF "BUILDING" TO INCLUDE SHIPPING CONTAINERS; AND PROVIDING AN EFFECTIVE DATE.

E. PUBLIC HEARING: FISCAL YEAR 2024 BUDGET AMENDMENTS:

Accepting testimony on a proposed amendment to the Fiscal Year 2024 budget to receive unanticipated revenues received during the fiscal year and authorizing their expenditure - Action Item (Finance Director Gordon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process, opened the public hearing and asked for the staff presentation.

Finance Director/City Treasurer Gordon provided a presentation and reviewed the fiscal year 2024 budget amendments.

There being no public testimony, Mayor Johnson closed the public hearing.

F. FIRST READING: ORDINANCE 4926: Considering amending Ordinance 4894, the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, appropriating additional monies that are to be received by the City of Lewiston, Idaho in the sum of fifteen million five hundred eighteen thousand six hundred thirty dollars (\$15,518,630) - Action Item (Finance Director Gordon)

Councilor Schroeder moved to approve the first reading of Ordinance 4926. Council President Kleeburg seconded and the motion passed 6-0.

ORDINANCE 4926: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING ORDINANCE NO. 4894, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF LEWISTON, IDAHO IN THE SUM OF FIFTEEN MILLION FIVE HUNDRED EIGHTEEN THOUSAND SIX HUNDRED THIRTY DOLLARS (\$15,518,630); AND PROVIDING AN EFFECTIVE DATE.

G. PUBLIC HEARING: FISCAL YEAR 2025 BUDGET: Accepting testimony on the proposed budget for the fiscal year commencing October 1, 2024 and ending September 30, 2025 - Action Item (Finance Director Gordon)

Mayor Johnson announced the subject of the public hearing, explained the public hearing process, opened the public hearing and asked for the staff presentation.

After Finance Director Gordon reviewed the 2025 Fiscal year budget, Mayor Johnson asked for public testimony.

Dale Alldredge, a Lewiston resident, inquired about the standard for reserves and the level of funding being contributed to the airport. Finance Director Gordon responded that the Government Finance Officers Association (GFOA) recommends maintaining 60 days of cash on hand for reserves, but the City's best practice is 90 days. Ms. Gordon also noted that the Airport would not be receiving any funds for the upcoming fiscal year because it was not requested.

There being no further testimony, Mayor Johnson closed the public hearing.

- H. **FIRST READING: ORDINANCE 4923:** To be termed the "2025 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, 2024 and ending September 30, 2025 - Action Item (Finance Director Gordon)

Councilor Schroeder moved and Council President Kleeburg seconded to approve the first reading of Ordinance 4923. The motion passed 6-0.

ORDINANCE 4923: AN ORDINANCE OF THE CITY OF LEWISTON, TO BE TERMED THE "2025 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, 2024 AND ENDING SEPTEMBER 30, 2025; AND PROVIDING AN EFFECTIVE DATE.

- I. **FIRST READING: ORDINANCE 4924:** 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, 2024, and ending September 30, 2025, 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 \$24,524,120; providing a certified copy of the 2025 Annual Appropriation Ordinance to the Board of County Commissioners of Nez Perce County, Idaho as adopted by the City of Lewiston for the 2024-2025 fiscal year - Action Item (Finance Director Gordon)

Councilors Schroeder and Spickelmire moved and seconded, respectively, to approve the first reading of Ordinance 4924. The motion passed 5-1 with Councilor Forsmann opposed.

ORDINANCE 4924: 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, 2024 AND ENDING SEPTEMBER 30, 2025, 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-FOUR MILLION FIVE HUNDRED TWENTY-FOUR THOUSAND ONE HUNDRED TWENTY DOLLARS (\$24,524,120); PROVIDING A CERTIFIED COPY OF THE 2025 ANNUAL APPROPRIATION ORDINANCE TO THE BOARD OF COUNTY COMMISSIONERS OF NEZ PERCE COUNTY, IDAHO, AS ADOPTED BY THE CITY OF LEWISTON FOR THE 2024-2025 FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.

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 Schroeder moved and Councilor Spickelmire seconded, respectively, adoption of the Consent Agenda. ***ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.***

- A. **CITY COUNCIL MINUTES:** Considering approval of the minutes of the following meetings: 7/22/2024 Regular; and 8/05/2024 Work Session - Action Item
- B. **ADVISORY BOARD MINUTES:** Considering approval of the 6/18/2024 Library Board of Trustees and 6/6/2024 Historic Preservation Commission meeting minutes - Action Item
- C. **VOUCHER'S PAYABLE:** Considering approval of the Voucher's Payable dated 7/12/2024–7/26/2024 in the amount of \$2,307,688.86 - Action Item
- D. **DRAKE ADDITION PRELIMINARY PLAT:** Considering approving the Drake Addition Preliminary Plat and associated Reasoned Statement of Relevant Criteria and Standards, which proposes to re-plat Lot 2 of Block 1, of the Pupo Addition, consisting of approximately 2.01 acres of land, into five lots - Action Item

VII. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

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. -

Council President Kleeburg thanked Director Gordon for the very well planned presentation.

Councilor Forsmann explained her questioning process.

Councilor Liedkie extended an invitation to Business After Hours on August 15th from 5 to 7 p.m. at Opportunities Unlimited, Inc. She noted they would be celebrating 50 years of serving persons with disabilities and gave a shout out to their oldest employee.

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

Councilor Liedkie noted the Disability Advisory Commission is currently reviewing the City's ADA Plan, while Development Impact Fee Advisory Committee has been postponed due to consultant availability.

Councilor Forsmann noted the Historic Preservation Commission is working on increasing their social media presence on Facebook.

Councilor Spickelmire noted the Parks & Recreation Commission completed the Bert Lipps Pool survey and will be presenting the information at a future meeting.

Councilor Schroeder noted the Metropolitan Planning Organization received a presentation on the draft Thain Road Corridor Study.

C. **MAYOR COMMENTS**

Mayor Johnson explained that, due to the cancellation of the September 2nd Work Session for Labor Day, he would coordinate with Clerk Brocke and the Council to schedule a Special Meeting during the first week of September.

D. **ADVISORY BOARD AND COMMISSION APPOINTMENTS:** - Action Item

1. **PUBLIC WORKS ADVISORY COMMISSION:** Considering appointing Lytonia Gardee to a three (3) year term - Action Item

Mayor Johnson moved to approve the appointment of Lytonia Gardee to a three-year term on the Public Works Advisory Commission. Councilor Schroeder seconded and the motion passed 6-0.

2. **DISABILITY ADVISORY COMMISSION:** Considering the appointment of Michael Feeney to a three (3) year term - Action Item

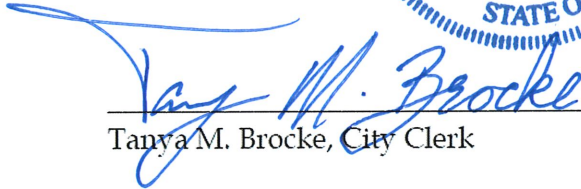
Mayor Johnson moved to approve the appointment of Michael Feeney to a three-year term on the Disability Advisory Commission. Council President Kleeburg seconded and the motion passed 6-0.

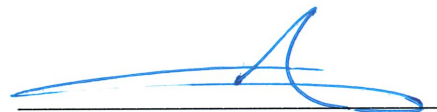
E. **AGENDA TOPICS:** - Action Item

IX. **ADJOURNMENT** - Action Item

There being no further business to come before the Lewiston City Council, Councilor Liedkie and Council President Kleeburg moved and seconded, respectively, to adjourn the August 12, 2024 Regular Meeting. The motion carried 6-0 and the meeting adjourned at 8:09 p.m.




Tanya M. Brocke, City Clerk



Daniel G. Johnson, Mayor