

August 26, 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

Carl Walker, a resident of Lewiston, commented that people are leaving Lewiston because of high taxes and no growth and questioned where the money was going.

Heather Meeks, a resident of Lewiston, spoke against permit fees for storage containers related to Ordinance 4921.

Kori Johnson, a resident of Lewiston, asked the Council to consider no property tax increase.

Dan Yonge, a resident of Lewiston, questioned the proposed property tax increase and why Lewiston's budget is \$40 million more than other comparable cities.

Travis Meeks, a resident of Lewiston, announced that the Lewis Clark Association of Realtors has been granted \$45,000 from Realtors Relief Foundation for the victims of the Gwen Fire. The maximum assistance is \$2,250 per household and the submission deadline is October 2, 2024.

IV. PRESENTATIONS

A. AMERICAN LEGION POST 13: Presentation of Firefighter of the Year, Paramedic of the Year, and Police Officer of the Year Awards by Andy Jackson (Fire Chief Rightmire)

American Legion Post 13 Commander Andy Jackson presented the Firefighter of the Year award to Captain Willie Wicks, the Paramedic of the Year award to Engineer Ryan Rhodes, and the Police Officer of the Year award to Corporal Cody Bloomsberg.

- B. **MAIN STREET UPDATE:** Presentation of the Steering Committee and Business and Property Owner Meeting feedback and survey results (Public Works Director Johnson)

Public Works Director Johnson explained that when the Main Street update was initially placed on the agenda, staff did not anticipate the agenda would be full. As a result, the update will now be provided at the September 3rd Special Work Session. He noted that the project has been progressing well, with the first large open house planned for September 10th.

- C. **JULY FINANCIAL REPORT:** Financial report for July, in accordance with Idaho Code 50-208 (Finance Director Gordon)

No oral report.

V. **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 moved and Councilor Forsmann 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 8/12/2024 Regular and 8/19/2024 Special meeting minutes - Action Item
- B. **ADVISORY BOARD MINUTES:** Considering approval of the following meeting minutes: 6/11/2024 & 7/9/2024 Urban Renewal Agency; 8/10/2023, 9/14/2023, 11/16/2023, 12/14/2023, 1/11/2024, 2/8/2024, 4/11/2024, 5/9/2024, 6/13/2024 & 7/11/2024 Disability Advisory Commission - Action Item
- C. **VOUCHER'S PAYABLE:** Considering approval of the Voucher's Payable dated 7/27/2024 - 8/08/2024 in the amount of \$1,429,952.84 - Action Item
- D. **CANYON CREST SOUTH - PHASE 1A FINAL PLAT:** Considering the approval of the Canyon Crest South Addition Phase 1A final plat, and associated Reasoned Statement of Relevant Criteria and Standards, to subdivide approximately 4.04 acres of undeveloped property located east of 18th Street, and north of Airway Avenue, into 20 residential development lots - Action Item

VI. ACTIVE AGENDA

- A. **VA-01-2024:** Considering the proposed approval plan related to the applicant's request that the City vacate a section of the Bryden Avenue public right-of-way beginning at the east side of 18th Street and extending to a point 50 feet west of the westerly right-of-way of 19th Street. An existing Vacation Petition to vacate the westerly 476 feet of this same section of right-of-way was previously given a conditional approval by the Lewiston City Council - Action Item (City Surveyor Weigand)

Public Works Director Johnson explained that at the original public hearing on June 24, 2024 the VA-01-2024 details related to the facilitation so staff was directed to work with the applicant and surrounding property owners to find a resolution. The proposed conditions recommended by City staff are to 1) provide adequate emergency turnaround access at the end of 19th Street, 2) provide adequate access to existing public utilities , 3) amend the Transportation Plan to remove the recommendation for the future extension of the section of Bryden, and 4) receive sign-off from the private utilities for the vacation.

Councilor Liedkie moved to approve the City vacating a section of the Bryden Avenue public right-of-way beginning at the east side of 18th Street and extending to a point 50 feet west of the westerly right-of-way of 19th Street with the following conditions: 1) Provide adequate emergency turnaround access at the end of 19th Street.; 2) Provide adequate access to existing public utilities; and 3) Receive sign-off from the private utilities for the vacation. Councilor Forsmann seconded. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

Councilor Liedkie then moved to direct staff to amend the Transportation Plan to remove the recommendation for the future extension of this section of Bryden. Councilor Forsmann seconded. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- B. **NATIONAL PURCHASING PARTNERS GOVERNMENT MEMBERSHIP:** Considering approval of a membership with National Purchasing Partners Government (NPPGov) and authorizing the Mayor to execute the Intergovernmental Cooperative Purchasing Agreement between the City of Lewiston and the Lead Contracting Agency (League of Oregon Cities) and participating governmental entities that are members of NPPGov regulating the use of Master Price Agreements - Action Item (Parks & Recreation Director Barker)

Councilors Schroeder and Spickelmire moved and seconded, respectively, to approve membership with National Purchasing Partners Government and authorize the Mayor to execute the associated agreements for staff to proceed with such purchases. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- C. **BID REJECTION - IFB-24-012 PIONEER PARK ADA PARKING STALLS:**
Considering rejecting the bids received due to being over budget and authorizing rebidding - Action Item (Parks & Recreation Director Barker)

Councilor Schroeder moved and Council President Kleeburg seconded, respectively, to reject the bids received for IFB-24-012 due to their being over budget and authorize the rebidding of the project. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

D. **ORDINANCES**

1. **FIRST READING**

- a. **ORDINANCE 4925:** Considering amending Section 10-1(a) of the Lewiston City Code related to adoption of the International Codes adopted by the State of Idaho - Action Item (Community Development Director Grow)

Councilors Schroeder and Liedkie moved and seconded, respectively, to approve the first reading of Ordinance 4925. The motion carried 6-0.

ORDINANCE 4925: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 10-1(a) OF THE LEWISTON CITY CODE RELATED TO ADOPTION OF THE INTERNATIONAL CODES ADOPTED BY THE STATE OF IDAHO; AND PROVIDING AN EFFECTIVE DATE.

2. **SECOND/THIRD READINGS**

- a. **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 (Community Development Director Grow)

Councilors Schroeder and Spickelmire moved and seconded, respectively, to combine the second and third readings and waive the third reading in full of Ordinance 4920. The motion carried 6-0.

Councilors Schroeder and Spickelmire then moved and seconded, respectively, to approve the second and third readings of Ordinance 4920. The motion carried 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.

- b. **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 (Community Development Director Grow)

Following a request from Community Development Director Grow to allow staff to rewrite the ordinance, Councilors Schroeder and Forsmann moved and seconded, respectively, for staff to provide a new ordinance related to the use of prefabricated containerized transport units as accessory buildings or storage units. The motion carried 6-0.

- c. **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 (Community Development Director Grow)

Councilors Spickelmire and Forsmann moved and seconded, respectively, to combine the second and third readings and waive the third reading in full of Ordinance 4922. The motion carried 6-0.

Councilors Spickelmire and Forsmann then moved and seconded, respectively, to approve the second and third readings of Ordinance 4922. The motion carried 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.

3. THIRD READINGS

- a. **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)

Councilors Liedkie and Forsmann moved and seconded, respectively, to waive the third reading in full of Ordinance 4926. The motion carried 6-0.

Councilors Liedkie and Forsmann then moved and seconded, respectively, to approve the third reading of Ordinance 4926. The motion carried 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.

- b. **ORDINANCE 4923:** To be termed the "2025 Annual Appropriation Ordinance," considering appropriating sums of money authorized by law and deemed necessary 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 - Action Item (Finance Director Gordon)

Councilors Liedkie and Schroeder moved and seconded, respectively, to waive the third reading in full of Ordinance 4923. The motion carried 5-1 with Council President Kleeburg opposed.

Councilors Liedkie and Schroeder then moved and seconded, respectively, to approve the third reading of Ordinance 4923.

Councilor Liedkie moved to amend Ordinance 4923 under Section 2, A. General Government Funds as follows:

- Reduce line item Legislative from \$498,940 to \$483,440;
- Reduce line item Executive from \$385,290 to \$344,190;
- Reduce line item Human Resources from \$581,130 to \$570,270;
- Reduce line item Legal Services from \$667,580 to \$650,660;
- Reduce line item Parks & Facilities from \$3,624,740 to

Lewiston City Council
Regular Meeting Minutes

\$3,505,230;

- Reduce line item Police Protection from \$9,762,490 to \$9,751,260;
- Change line item Fire Protection from \$11,046,270 to \$11,114,000;
- Reduce line item Community Development from \$1,830,460 to \$1,825,500;
- Reduce line item Recreation from \$774,140 to \$772,900;
- Reduce line item Finance from \$1,648,290 to \$1,631,160
- Under Other Government Funds, reduce line item Transportation Fund from \$4,719,230 to \$4,673,850;
- Under Section 2, C. Capital Funds, reduce line item Capital Projects Fund from \$7,341,060 to \$7,291,060.

Councilor Klein seconded the motion to amend Ordinance 4923. The motion carried 6-0.

The motion to approve the third reading of Ordinance 4923, as amended, carried 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.

- c. **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 Twenty-Four Million One Hundred Seventy-Nine Thousand Five Hundred Ninety Dollars (\$24,179,590); 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 Liedkie and Forsmann moved and seconded, respectively, to waive the third reading in full of Ordinance 4924. The motion carried 6-0.

Councilors Liedkie and Forsmann then moved and seconded, respectively, to approve the third reading of Ordinance 4924.

Councilor Liedkie made a motion to amend page 2 of Ordinance 4924 as follows:

- Reduce General Fund, under Section 1. A, from \$17,138,420 to \$16,782,700;
- Reduce Streets, under Section 1. B. Special Funds, from \$4,945,000 to \$4,934,620;
- Reduce the Total from \$24,179,590 to \$23,813,490.

Councilor Forsmann seconded the motion to amend Ordinance 4924 and the motion carried 6-0.

The motion to approve the third reading of Ordinance 4924, as amended, carried 6-0.

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-THREE MILLION EIGHT HUNDRED THIRTEEN FOUR HUNDRED NINETY DOLLARS (\$23,813,490); 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.

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

Councilors Forsmann and Schroeder moved and seconded, respectively, to adopt Ordinance numbers 4920 and 4922 and approve the related ordinance summaries. ***ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.***

a. **ORDINANCE 4920:** Action Item

b. **ORDINANCE 4921:** ~~Action Item~~

Removed to allow staff to rewrite the Ordinance.

c. **ORDINANCE 4922**: Action Item

5. **ADOPTION**

Councilors Liedkie and Forsmann moved and seconded, respectively, to adopt Ordinances 4923, 4924, and 4926. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

a. **ORDINANCE 4923**: Action Item

b. **ORDINANCE 4924**: Action Item

c. **ORDINANCE 4926**: Action Item

VII. **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 not to levy for amounts that are less than the 3 percent increase as permitted for the 2025 fiscal year, pursuant to Idaho Code § 63-802(1)(f) - 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 Gordon provided a summary regarding the forgone taxes, and explained that the City Council can reserve up to \$710,634 as forgone tax for the 2025 Fiscal year.

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

- B. **RESOLUTION 2024-36**: Considering reserving the right to recover all or any portion of the forgone tax increase for Fiscal Year 2025 in a subsequent year, pursuant to Idaho Code § 63-802(1)(f) - Action Item (Finance Director Gordon)

Councilor Liedkie moved and Council President Kleeburg seconded, to approve Resolution 2024-36.

After City Attorney Tengono requested that the Council specify the amount of forgone taxes in the motion, Councilor Liedkie proposed a friendly amendment to specify the amount as \$710,634. Council President Kleeburg agreed to the amendment

ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Liedkie; Klein. VOTING NAY: Forsmann; Spickelmire.

VIII. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

IX. 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 thanked citizens for attending and staff for their work during the budget season.

Councilor Liedkie thanked the city staff, especially Finance Director Gordon, and encouraged them to explore ideas for approaching the budget.

- B. CITY BOARDS AND COMMISSIONS LIAISON UPDATES**

Councilor Forsmann provided a brief update on the Public Works Advisory Commission.

- C. MAYOR COMMENTS**

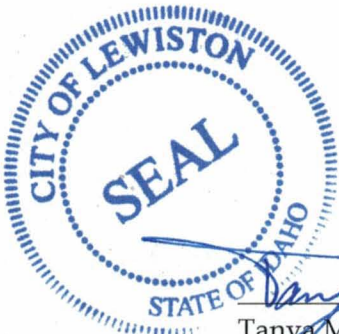
Mayor Johnson reported that the landowner on Gun Club Road has cleaned the property and expressed appreciation for their efforts, noting that it looks much improved.

Mayor Johnson also thanked the gentleman who cuts the weeds on 8th Street.

- D. AGENDA TOPICS: Action Item**

X. ADJOURNMENT - Action Item

There being no further business to come before the Lewiston City Council, Councilors Forsmann and Liedkie moved and seconded, respectively, to adjourn the August 26, 2024 Regular Meeting. The motion carried 6-0 and the meeting adjourned at 7:42 p.m.



Tanya M. Brocke, City Clerk



Daniel G. Johnson, Mayor