

November 25, 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

This is 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 Mayor. In consideration of others wishing to speak, please limit your remarks to three minutes.

City Attorney Tengono reminded the Council that, pursuant to Lewiston City Code Section 2-26(m)(6), public comments may not be used to testify about a quasi-judicial land use matter that has been or is scheduled to be heard by the Planning and Zoning Commission, nor to provide additional testimony or information on any matter after the official record has been closed. She clarified that Agenda Item VI. A., Appeal of CUP24-3, is a quasi-judicial matter currently pending before the City Council, and therefore, no public comment or testimony should be accepted regarding this item.

Linda Glines, a resident of Lewiston and appellant, began to speak regarding the appeal when City Attorney Tengono intervened, noting that comments related to CUP24-3 were not allowed during public comment. Ms. Glines then expressed concerns about how citizens can voice their opinions, noting that their concerns have not been addressed. She emphasized the need for residents to have an opportunity to speak about potential impacts on their neighborhood and asked the Council to hold a public hearing.

Mike Bann, a resident of Lewiston, began to speak about the appeal when City Attorney Tengono intervened, reiterating that comments related to CUP24-3 were not allowed during public comment. Following this, Mr. Bann expressed that property owners and neighbors are concerned and would like an opportunity for

further discussion on the issue

Carl Walker, a resident of Lewiston, spoke about the airport, firefighters, and the Reimagine Downtown project. He emphasized best practices and funding priorities and urged the Council to prioritize helping the people of Lewiston.

Charlie Ockwell, a resident of Lewiston, encouraged Council to find a resolution in the contract negotiations with International Association of Fire Fighters (IAFF) Local 1773.

Jennifer Squires, a resident of Lewiston, expressed concern about the public hearing process and citizens not feeling heard.

Joe Vaughn, a resident of Lewiston, encouraged the Council to invest in the firefighters and implement the fact-finding decision regarding contract negotiations with IAFF Local 1773.

Jamie Litchfield, a resident of Lewiston, expressed concern about the traffic median proposal at 10th Ave and Thain Road, which would affect the accessibility of their business, Gateway Materials.

Noe Longatti, a resident of Clarkston and employee of Opportunities Unlimited Inc (OUI), implored Councilors to support the City's firefighters and give them what they are asking for in the contract negotiations.

Boston Jones, a resident of Lewiston, began to speak about the appeal when City Attorney Tengono intervened, reiterating that comments related to CUP24-3 were not allowed during public comment. Mr. Jones commented that it's only fair for the residents of the area to get a voice before an official decision is made.

Cari Miller, a resident of Lewiston, shared her encouragement and support for the Mayor and City Council to reach a negotiated agreement as soon as possible with IAFF Local 1773.

Jeff Edwardson, a resident of Lewiston, expressed concerns about stormwater and the importance of keeping the water flowing to the river. Mr. Edwardson also noted that citizens should get a say about what happens in their neighborhoods.

Vicky Nostrad, a resident of Lewiston, spoke in support of the IAFF Local 1773 contract negotiations.

Emily Holzer, a resident of Lewiston, expressed concerns about the Thain Corridor Study and the need for additional public outreach.

Scott Funk, a resident of Lewiston, spoke in support of IAFF Local 1773 and the

importance of fully funding the Medical Expense Reimbursement Plan (MERP) in contract negotiations.

Bill Kessle, a resident of Lewiston, requested a suspension of the vote on the Appeal of CUP24-3 for a public hearing. City Attorney Tengono again reiterated that comments related to CUP24-3 were not allowed during public comment because it is a quasi-judicial matter.

Angela Howard, asked the Council to consider a public hearing to discuss the transitional housing village. City Attorney Tengono again reiterated that comments related to CUP24-3 were not allowed during public comment.

Jesse Shroyer, a resident of Clarkston, questioned the mediation process in regard to the contract negotiations with IAFF Local 1773.

Bill Kessle, a resident of Lewiston, expressed his support for the Fire Department.

Farren Nilsson, a resident of Lewiston, noted the importance of listening to the citizens and what is important to them, as well as the importance for people to attend meetings.

Jonathon Ockwell, a resident of Pomeroy and employee of Lewiston, noted that this is the first year they have not received a clothing allowance, despite significant changes to uniforms and PPE. He also stated that holiday pay, which is contractually agreed upon, has not been received and emphasized the importance of the MERP program.

Kirby Ockwell, Lewiston IAFF Local 1773, spoke about the importance of MERP, and questioned why funding for it was removed from the City's budget when negotiations were still taking place.

Soren Lowe, a resident of Genessee, urged the Council to retain the MERP program and questioned why firefighters had not yet received funding, noting that the 60-day post contract period had not ended.

Keith Watson, a resident of Lewiston, spoke in support of meeting the firefighters' requests and asked the Council to give residents an opportunity to be heard.

IV. PUBLIC HEARINGS AND RELATED ACTION ITEMS

- A. PUBLIC HEARING: ZNC24-4:** Accepting testimony on a Zone Change application by Chris Clark to rezone the east forty-five feet (approximately) of 132 Thain Road from Community Commercial (C-3) to Medium Density Residential (R-3) - Presentation (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.

Councilor Shroeder asked for recusal pursuant to Idaho Code Section 67-6506 and disclosed that she may have a potential conflict of interest because her brother owns property next to the subject property in question.

City Planner Plaskon presented the staff report and noted the Planning and Zoning Commission held a public hearing and recommended City Council approve the request. Mayor Johnson then asked if the applicant had any additional information to present to the Council.

Applicant Chris Clark expressed appreciation to City staff for working on the process with him and stood for any questions that Council had.

There being no questions for the applicant, Mayor Johnson asked for public testimony.

Michael Edwards, a resident of Lewiston and adjoining property owner, spoke in opposition to the zone change.

Bill Kessle, a resident of Lewiston, expressed concern about access to the street and traffic.

After Council questions and the applicant's rebuttal, Mayor Johnson closed the public hearing.

Councilor Liedkie moved to direct staff to draft the Reasoned Statement approving CUP24-4. Councilor Forsmann seconded.

City Attorney Tengono clarified that when drafting the reasoned statement, it needs to include the relevant facts and information unless the Council opts to adopt the same findings used by the Planning and Zoning Commission.

Councilor Liedkie initially restated her motion to direct staff to draft the Reasoned Statment adopting the same language as identified in the Planning and Zoning Commission's report and approve CUP24-4 but clarified the motion was intended for ZNC24-4. Councilor Forsmann seconded.

Following a discussion of concerns about rezoning one of the city's main commercial corridors to include residential uses and split zoning, ***the motion failed 1-4 with Councilors Kleeburg, Klein, Forsmann and Spickelmire opposed.***

- B. FIRST READING: ORDINANCE 4932:** Considering implementing the City Council's decision in ZNC24-4, declaring that certain real property be removed from the Community Commercial (C-3) Zone to the Medium Density Residential (R-3) Zone and amending the official zoning map of the City of Lewiston - Action Item (City Planner Plaskon)

City Attorney Tengono asked whether the Council, under Idaho Code Title 67, Chapter 65 (67-6519(5)(c)), had any suggestions for the applicant to modify their application to gain approval.

Councilor Liedkie recommended that the applicant work with the city to address code revisions and encouraged Mr. Clark to continue pursuing his request.

Councilor Forsmann suggested considering rezoning the entire building, if feasible, and also encouraged Mr. Clark to continue pursuing his request.

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 Forsmann requested Item C. Voucher's Payable be removed, while Councilor Liedkie requested Item D. 2025 Certification of Compliance be removed.

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

- A. CITY COUNCIL MINUTES:** Considering approval of the minutes of the following meetings: 10/24/2024 Special Meeting; 10/28/2024 Executive Session; 10/28/2024 Regular; and the 11/04/2024 Work Session - Action Item
- B. ADVISORY BOARD AND COMMISSION MINUTES:** Accepting the minutes of the following Advisory Board and Commission meetings: 10/10/2024 & 10/31/2024 Historic Preservation Commission; 9/18/2024 Public Works Advisory Commission; 11/7/2024 Emergency Medical Services Advisory Board; 10/9/2024 and 10/23/2024 Planning and Zoning Commission - Action Item
- E. SKYVIEW ESTATES PHASE IV PRELIMINARY PLAT:** Considering approving the Skyview Estates Phase IV preliminary plat, and associated Reasoned Statement of Relevant Criteria and Standards, which proposes to subdivide

approximately 22.11 acres of property, located south of Powers Avenue, and east of 23rd Street, into 39 lots - Action Item

VI. ACTIVE AGENDA

- A. APPEAL (AP-01-2024) OF CUP24-3 (TRANSITIONAL HOUSING VILLAGE AT 2207 EAST MAIN STREET):** Considering whether to accept jurisdiction of the appeal filed by Linda Glines regarding the Planning and Zoning Commission's decision of CUP24-3, in which case the Planning and Zoning Commission's decision shall be final, or hold a public hearing regarding such appeal after proper notice is provided - Action Item (City Planner Plaskon)

Councilor Schroeder requested recusal, citing her participation in a public event where she expressed opinions on the application while it was pending before the Planning and Zoning Commission.

Following the recusal, Council asked City Attorney Tengono about property ownership, public hearings, notice requirements, and the appeal process. City Attorney Tengono explained that reopening a public hearing at this stage is limited to the matters on appeal. She noted that the applicant had not met the requirements outlined in Lewiston City Code to support reconsideration, emphasizing that the request essentially sought a redo of the process despite the city meeting notice requirements.

Councilor Klein moved to refuse to accept jurisdiction of the appeal filed by Linda Glines regarding the Planning and Zoning Commission's decision in CUP24-3, in which case the Planning and Zoning Commission's decision shall be final. The motion died for lack of a second.

Councilor Spickelmire moved to hold a public hearing on December 23rd at 6:00 p.m. regarding Linda Gline's appeal of the Planning and Zoning Commission's decision in CUP24-3. Council President Kleeburg seconded for discussion.

Council President Kleeburg questioned if the appeal would be confined to relevant criteria and standards. City Attorney Tengono confirmed but noted it was unclear which specific standards Ms. Glines was contesting in her appeal. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Spickelmire. VOTING NAY: Forsmann; Liedkie; Klein. RECUSED: Schroeder.**

Councilors Forsmann and Klein moved and seconded, respectively, to refuse to accept jurisdiction of the appeal filed by Linda Glines regarding the Planning and Zoning Commission's decision in CUP24-3. **ROLL CALL VOTE: VOTING AYE: Forsmann; Klein. VOTING NAY: Kleeburg; Liedkie; Spickelmire. RECUSED: Schroeder.**

Mayor Johnson called a 10-minute recess at 8:07 p.m. The meeting reconvened at 8:17 p.m.

City Attorney Tengono advised the Council to consider whether the appellant met procedural guidelines, referencing a memo from the City Attorney's office. She reiterated that the appeal did not include the minimum required information for review.

Councilor Liedkie moved to refuse to accept jurisdiction of the appeal filed by Linda Glines regarding the Planning and Zoning Commission's decision in CUP24-3, in which case the Planning and Zoning Commission's decision shall be final. **ROLL CALL VOTE: VOTING AYE: Forsmann; Liedkie; Klein. VOTING NAY: Kleeburg; Spickelmire. RECUSED: Schroeder.**

- B. FIRE PREVENTION AND PROTECTION SERVICES AGREEMENT - FEDERAL CARTRIDGE COMPANY:** Considering approval of the Fire Prevention and Protection Services Agreement between Federal Cartridge Company, doing business as CCI/SPEER, and the City of Lewiston - Action Item (Fire Chief Rightmier)

Councilors Liedkie and Forsmann moved and seconded, respectively, to approve the Fire Prevention and Protection Services Agreement between the City of Lewiston and Federal Cartridge Company, doing business as CCI/SPEER and authorize the Mayor to sign the agreement. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- C. ADA TRANSITION PLAN ANNUAL REPORT:** Considering approval of the 2023 Lewiston, Idaho ADA Transition Plan Annual Report - Action Item (Public Works Director Johnson)

Councilors Liedkie and Forsmann moved and seconded, respectively, to approve the 2023 Lewiston, Idaho ADA Transition Plan Annual Report. The motion passed 6-0.

- D. RESOLUTION 2024-42:** Considering accepting a public water utility and access easement from LFOD, LLC to the City of Lewiston - Action Item (Public Works Director Johnson)

Council President Kleeburg and Councilor Liedkie moved and seconded, respectively, to approve Resolution 2024-42. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- E. RESOLUTION 2024-43:** Considering approving the July 2024 "Thain Road

Corridor and Access Study" drafted by Kittelson & Associates, Inc. - Action Item (Public Works Director Johnson)

Councilor Schroeder and Council President Kleeburg moved and seconded, respectively, to approve Resolution 2024-43. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder. VOTING NAY: Forsmann; Liedkie; Klein; Spickelmire.**

F. RFQ-24-023 WWTP MASTER PLAN UPDATE (WW064) CONTRACT AWARD:

Considering awarding the Wastewater System Master Plan Update Professional Services Agreement to Keller Associates, Inc., in an amount not to exceed \$462,700 and authorizing the Mayor to execute the agreement - Action Item (Public Works Director Johnson)

Councilors Liedkie and Spickelmire moved and seconded, respectively, to award RFQ-24-023 to Keller Associates, Inc. in an amount not to exceed \$462,700 and authorize the Mayor to execute the Professional Services Agreement between Keller Associates, Inc. and the City of Lewiston. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

G. ORDINANCES

1. SECOND AND THIRD READINGS

- a. **ORDINANCE 4929:** Considering implementing the City Council's decision in ANX24-2 to annex land into the Lewiston City Limits - Action Item (City Planner Plaskon)

Councilor Spickelmire and Council President Kleeburg moved and seconded, respectively, to combine the second and third readings and waive the third reading in full of Ordinance 4929. The motion passed 6-0.

Councilor Spickelmire and Council President Kleeburg then moved and seconded, respectively, to approve the second and third readings of Ordinance 4929. The motion passed 6-0.

ORDINANCE 4929: AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ANX24-2 TO ANNEX LAND INTO THE LEWISTON CITY LIMITS, AND PROVIDING AN EFFECTIVE DATE.

2. ADOPTION AND APPROVAL OF ORDINANCE SUMMARIES

- a. **ORDINANCE 4929:** Action Item

Council President Kleeburg and Councilor Forsmann moved and

seconded, respectively to adopt Ordinance 4929 and approve the related ordinance summary. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

- H. **RESOLUTION 2024-40:** Considering implementing the City Council's decision in CPA24-3, amending the Future Land Use Maps in Chapter 4 of Lewiston's Comprehensive Land Use Plan - Action Item (City Planner Plaskon)

Councilor Spickelmire and Council President Kleeburg moved and seconded, respectively, to approve Resolution 2024-40. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

I. **ORDINANCES**

1. **SECOND AND THIRD READINGS**

- a. **ORDINANCE 4930:** Considering implementing the City Council's decision in ZNC24-3, declaring that certain newly-annexed real property be included in the City of Lewiston Community Commercial (C-3) Zone; and amending the official zoning map of the City of Lewiston - Action Item (City Planner Plaskon)

Councilors Forsmann and Liedkie moved and seconded, respectively, to combine the second and third readings and waive the third reading in full of Ordinance 4930. The motion carried 6-0.

Councilors Forsmann and Liedkie then moved and seconded, respectively, to approve the second and third readings of Ordinance 4930. The motion carried 6-0.

ORDINANCE 4930: AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC24-3, DECLARING THAT CERTAIN NEWLY-ANNEXED REAL PROPERTY BE INCLUDED IN THE CITY OF LEWISTON COMMUNITY COMMERCIAL (C-3) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE.

- b. **ORDINANCE 4931:** Considering amending Section 39-1 of the Lewiston City Code to update the City of Lewiston Area of City Impact Boundary Map - Action Item (City Planner Plaskon)

Councilors Spickelmire and Liedkie moved and seconded, respectively, to combine the second and third readings and waive the third reading in full of Ordinance 4931. The motion passed 6-0.

Councilors Spickelmire and Liedkie then moved and seconded, respectively, to approve the second and third readings of Ordinance 4931. The motion passed 6-0.

ORDINANCE 4931: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 39-1 OF THE LEWISTON CITY CODE TO UPDATE THE CITY OF LEWISTON AREA OF CITY IMPACT BOUNDARY MAP, AND PROVIDING AN EFFECTIVE DATE.

2. ADOPTION AND APPROVAL OF ORDINANCE SUMMARIES

Councilors Spickelmire and Liedkie moved and seconded, respectively, to adopt Ordinances 4930 and 4931 and approve the related ordinance summaries. ***ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.***

a. **ORDINANCE 4930:** Action Item

b. **ORDINANCE 4931:** Action Item

- J. **REASONED STATEMENT ZNC24-3:** Considering approval of the Reasoned Statement of Relevant Criteria and Standards for ZNC24-3 - Action Item (City Planner Plaskon)

Councilors Forsmann and Spickelmire moved and seconded, respectively, to approve the Reasoned Statement for ZNC24-3 as written. The motion passed 6-0.

VII. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

- C. **VOUCHER'S PAYABLE:** Considering approval of the Voucher's Payable dated 10/19/2024 - 10/31/2024 in the amount of \$2,115,065.19 - Action Item

Councilor Forsmann questioned the last line item on page 7 of Voucher's Payable to Moreton & Company labeled "FY25 Commercial Package" in various amounts for Sanitation, Stormwater, Transit, Transportation, Water and Wastewater. Mayor Johnson explained that it was likely related to insurance but would double-check.

Councilors Forsmann and Liedkie moved and seconded, respectively, approval of Voucher's Payable. ***ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.***

- D. **2025 CERTIFICATE OF COMPLIANCE:** Considering approval of the Lewiston Fire Department's 2025 renewal of its Certificate of Compliance to provide emergency and nonemergency ambulance transport services within city limits -

Action Item

Fire Chief Rightmier answered questions from Councilor Liedkie regarding the 2025 Certificate of Compliance, which is to provide Emergency Medical Service and non-emergency transport service for calendar year 2025.

Councilors Liedkie and Schroeder moved and seconded, respectively, to approve the 2025 Certificate of Compliance. **ROLL CALL VOTE: VOTING AYE: Kleeburg; Schroeder; Forsmann; Liedkie; Klein; Spickelmire.**

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.

Councilor Forsmann expressed her appreciation for the Firefighters attending the meeting and sharing their concerns. She stated that she carefully considers decisions and weighs their potential impacts on future generations.

Councilor Liedkie announced her election to the Nez Perce County Commissioner for District 1 and stated that her final meeting on the Lewiston City Council will be on December 23, 2024.

- B. CITY BOARDS AND COMMISSIONS LIAISON UPDATES**

Councilor Klein reported that the Airport Authority Board expressed strong criticism of the City for not making a decision regarding the Nez Perce County Commissioners' request to match their \$500,000 commitment toward transportation at the Lewiston-Nez Perce County Airport. She also noted that the airport is expected to receive runway lights in 2026.

- C. MAYOR COMMENTS**

Mayor Johnson expressed appreciation for the public's attendance and the work of the firefighters and thanked Library Director Johnson and the Information Systems and Security Department for staying through the entire meeting.

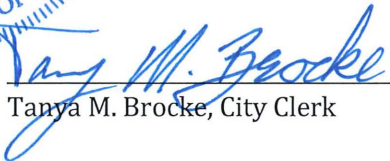
- D. AGENDA TOPICS:** - Action Item

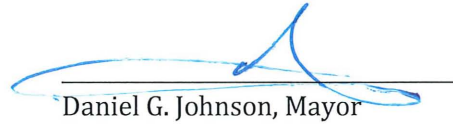
Councilor Klein moved to direct staff to acquire information on annexation of the two CCI/SPEER locations to include potential tax revenue and any repercussions for the January 6th work session. Councilor Forsmann seconded, and the motion passed 6-0.

IX. ADJOURNMENT - Action Item

There being no further business to come before the Lewiston City Council, Councilors Liedkie and Schroeder moved and seconded, respectively, to adjourn the November 25, 2024 Regular meeting. The motion carried 6-0 and the meeting adjourned at 9:57 p.m.




Tanya M. Brocke, City Clerk


Daniel G. Johnson, Mayor



APPROVED

12/9/2024
City Council