March 27, 2023

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.

City Council meetings are recorded live. To view the full video, go to https://livestream.com/lewiston/events/3725902

COUNCIL MEMBERS PRESENT: Mayor Johnson; Councilor President Liedkie; Councilor Forsmann (via Zoom); Councilor Kleeburg; Councilor Schroeder; Councilor Spickelmire

COUNCIL MEMBERS EXCUSED: Councilor Tousley

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance.

III. CITIZENS COMMENTS

Bill Strange said he believes it would be a catastrophic mistake for the City to construct a new fire station at 5th and Bryden. Traffic at this intersection is terrible and he knows four people who have been in accidents at this location. He suggested the property be sold and placed back on the tax rolls.

Maliik Prior addressed the need for additional transit routes and evening runs.

John Michael expressed the need for a homeless shelter and community events that involve every class of people. He noted that everyone benefits from a thriving community.

Gary Tate spoke to the proposed fire station at 5th and Bryden. He expressed his belief that instead, Fire Stations 2 and 4 should be remodeled, easing the dangers that would be created with construction at this location.

Ken Krahn indicated he is against the construction of a fire station at 5th and Bryden and the roundabout at 10th and Burrell. He emphasized that his taxes have doubled in the last five years and residents expect the Council to make the right choices with their money.

City Clerk Ravencroft read a letter submitted by Kevin Kelly expressing opposition to utilizing $2 million for a temporary fix of the ruptured high reservoir.

Alex Briggs, childcare provider, noted that the Week of the Young Child has been celebrated for the past three years. This special week brings significance to how important early childhood development and education are. It builds skills in resiliency and improves the social aspects of children's lives.

Megan Anderson, early childhood provider in the Valley, said she is grateful that the Proclamation for the Week of the Young Child is being presented this evening. Early childhood education is something everyone should be concerned about as it affects the entire community.

IV. PRESENTATIONS

A. ***PROCLAMATION: WEEK OF THE YOUNG CHILD***: *Recognizing April 1-7, 2023, as the Week of the Young Child*

Mayor Johnson read aloud the Proclamation recognizing April 1-7, 2023, as the Week of the Young Child and presented it to Alicia Robertson, Lewis-Clark State College Associate Professor/Early Childhood Development.

B. ***PROCLAMATION: STRENGTHENING FAMILIES MONTH; CHILD ABUSE PREVENTION AND AWARENESS***: *Recognizing the month of April 2023 as Strengthening Families Month; Child Abuse Prevention and Awareness*

The Proclamation declaring April 2023 as Strengthening Families Month; Child Abuse Prevention and Awareness was read by Mayor Johnson and presented to Shelly Weimer, North Central District Health Department.

C. ***FINANCIAL REPORT***: *Financial report for February 2023, in accordance with Idaho Code 50-208* - No oral report (Aimee Gordon)

V. PUBLIC HEARINGS AND RELATED ACTION ITEMS

A. ***PUBLIC HEARING RE: ZNC23-000002 & CPA23-000002***: *Accepting testimony on a proposal to amend the Comprehensive Plan Land Use Designation from Low Density Residential to Medium Density Residential and rezone from Suburban Residential, R-1, Zone to Medium Density Residential, R-3, Zone for approximately 8.96 acres generally located east of 18th Street, north of Airway Avenue and south of unimproved Bryden Avenue* (Hollingshead)

Mayor Johnson announced that this evening was the date and time advertised for the public hearing regarding ZNC23-000002 & CPA23-000002. He declared the hearing open and asked that a staff report be provided.

Assistant Planner Hollingshead explained this is request to rezone approximately 8.96 acres generally located east of 18th Street, north of Airway Ave and south of unimproved Bryden Avenue. Though the Council will not be approving a Plat at this time, the applicant plans to construct duplex homes with shared lot lines. The Planning & Zoning Commissions voted unanimously to approve the Reasoned Statement and recommends approval of both the Cup and rezone to the Council.

Councilor Kleeburg said that Neighborhood No. 7 is more rural in nature than other neighborhoods in town. Though he doesn't have an issue with infill development, he stated that it doesn't seem to comply with the Comprehensive Plan. Ms. Hollingshead reassured the Council that the number of homes proposed for this development do comply with the number of houses allowed and fall under the zoning designation of Low Density Residential.

Council President Liedkie said she wants to respect long-term residents who live in this neighborhood that want to continue with animal rights and live in a more rural area. Ms. Hollingshead indicated that the current Comprehensive Plan was written in the late 90's and staff is working with a consultant on a rewrite that will take about 18 months. There will be feedback from the community and an opportunity for things to change in the plan during that time. The Comprehensive Plan states that growth should be done in a compact manner utilizing existing services and infill development is encouraged on some of the parcels that will be able to connect to existing services. As for density, Ms. Hollingshead said there are a number of lots in the immediate area that don't meet the standards to keep any animals other than chickens. This proposed development will probably look more like what is within the Canyon Crest Subdivision, but would definitely be denser than the 2.8-acre neighbor next door. She also confirmed that all development would be subject to City standards.

Councilor Kleeburg emphasized that residents in this neighborhood have strongly expressed their desire for the retention of animal rights. Higher density uses are not appropriate for this area accept when included within a Planned Unit Development where their appropriateness can be evaluated. Ms. Hollingshead indicated that the type of buyers who would be interested in the proposed product do not want 5-acre lots or animal rights, but rather smaller yards, less upkeep, paved streets, sidewalks, etc.

Councilor Schroeder stated that this is an opportunity for those with 5-acre lots to keep them or sell them to do something different. It will serve as a good mix moving forward and will assist in Lewiston's housing needs.

Testimony, both in favor and in opposition, was sought by Mayor Johnson.

City Clerk Ravencroft read a letter from Noah Prescott who said he believes the location of this development is poor land use within the City. He addressed the issue of additional traffic in this neighborhood and the need for maintenance of three new streets. Further, he said he believes there are better solutions to Lewiston's housing problems.

Ken Krahn stated that the Council should deny any development in southeast Lewiston until the water system and City streets are improved. He noted there is plenty of property east of Thain and near the airport that would be better suited.

B. ***<u>RESOLUTION 2023-16</u>***: *Implementing the City Council's decision in CPA23-000002, amending the "Future Land Use Map Neighborhood No. 7 – East Orchards" of Chapter 6.7 of Lewiston's Comprehensive Land Use Plan* (Hollingshead)

A motion and second were made by Councilors Schroeder and Kleeburg, respectively, to approve Resolution 2023-16.

Councilor Kleeburg said he understands the need for additional housing, but is not sure if Neighborhood No. 7 is the right location.

Councilors Kleeburg and Schroeder withdrew their motion and second in order for the Council to review the rezone criteria further, which Ms. Hermann read aloud.

Councilor Kleeburg moved to table Resolution 2023-16 to the April 10, 2023, regular meeting. Council President Liedkie seconded the motion.

Council President Liedkie said she would like to hear from the applicant. Though she appreciates the traffic plan, she wants to make sure that everyone is doing their due diligence to ensure this action will move the entire city forward and that it's not just the idea of improving housing options.

City Attorney Hermann explained that if it is the Council's desire to accept additional testimony or evidence, then an additional public hearing would need to be noticed and held.

Therefore, Councilor Kleeburg offered an amended motion to table the Public Hearing and Resolution 2023-16 to the April 24, 2023, regular Council meeting. Council President Liedkie seconded the motion. *ROLL CALL VOTE: VOTING AYE*: *Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.*

C. ***<u>ORDINANCE 4880 (FIRST READING)</u>***: *Implementing the City Council's decision in ZNC-23-000002, declaring that certain real property be removed from the Suburban Residential (R-1) zone and included in the Medium Density Residential (R-3) Zone and amending the official zoning map of the City of Lewiston* (Hollingshead)

Councilor Kleeburg offered a motion to table the first reading of Ordinance 4880 to April 24, 2023. Councilor Forsmann seconded the motion. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.*

VI. <u>CONSENT AGENDA</u>

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".

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

A. ***LEWISTON CITY COUNCIL MEETING MINUTES***: *03/06/23 Work Session; 03/09/23 Special* – Action Item

B. ***ADVISORY BOARD AND COMMISSION MEETING MINUTES***: *01/18/23 Parks & Recreation Advisory Commission; 11/10/22, 12/08/22 and 01/12/23 Disability Advisory Commission; 02/22/23 Planning & Zoning Commission; 02/15/23 Library Board; 02/09/23 Business Improvement District*– Action Item

C. ***VOUCHERS PAYABLE***: *Considering approval of the Vouchers Payable dated 02/24/23 through 03/09/23 in the amount of $1,749,391.91*

VII. ACTIVE AGENDA

A. ***2022 ADA ANNUAL REPORT***: *Review and consider approval of the 2022 ADA Annual Report* (Dustin Johnson)

Public Works Director Johnson explained that the ADA Transition Plan was adopted by the Council in September 2020. That Plan is intended to address the most recent ADA policies and rules. It positions the City's facilities, policies, and design standards to be consistent with draft public right-of-way design guidance and ADA requirements. This plan includes a recommendation for the City to produce an annual report on its progress in implementing the upgrades to policies, programs and public infrastructure to comply with requirements of the ADA.

Mr. Johnson noted that the 2022 Annual Report has been reviewed by the Disabilities Advisory Commission. Staff will continue to strive for each annual report to be increasingly comprehensive, covering any and all projects, programs, and policies by the City.

Mayor Johnson encouraged the Council to thoroughly read this report as it can be very useful for the City moving forward. He noted there are many similarities to the Capital Improvement Plan.

Councilor Schroeder moved and Councilor Forsmann seconded approval of the Lewiston, Idaho 2022 ADA Transition Plan Annual Report. The motion carried 5 to 1, with Councilor Tousley excused.

B. ***RESOLUTION 2023-20***: *Considering accepting a donation of brown landscape 8" stackable stones from Nez Perce County* (Tim Barker)

A motion to approve Resolution 2023-20 was made and seconded by Councilors Schroeder and Forsmann, respectively. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.*

C. ***PROGRESSIVE DESIGN-BUILD AGREEMENT AMENDMENT NO. 02***: *Considering extending the time for Phase 1B by 45 calendar days for the Fire Station 4 project* (Myklebust)

A motion was offered by Councilor Schroeder to approve the Progressive Design-Build Agreement Amendment No. 02 between CORE West, Inc., and the City of Lewiston. Councilor Kleeburg provided the second.

ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.

D. ***TRANSIT GRANT FUNDING AGREEMENT ADDENDUM***: *Considering approval of an addendum to the Grant Funding Agreement for the Lewiston Community Center Bust Transfer Stop construction* (Seigneur)

It was moved by Councilor Schroeder to approve Amendment 1 to the FTA 5339 Small Urban Funding Agreement $2020-09 between the Idaho Transportation Department and the City of Lewiston. Councilor Forsmann seconded the motion. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.*

E. ***IFB-23-006 19TH AVENUE SIDEWALK INFILL; 15TH TO 16TH, T4065***: *Considering the contract between the City of Lewiston and Knox Concrete, LLC in the amount of $285,250* (D. Johnson)

It was explained by Public Works Director Johnson that this project will construct concrete sidewalk, curb and gutter, and retaining wall on the south side of 19th Avenue with ADA compliant pedestrian ramps at intersections. The Council approved the LHTAC/Local Agreement for this project in August 2022 with an estimated total project cost of $290,000. Mr. Johnson noted that this sidewalk will serve as the sole missing link to provide continuous connectivity between McSorley Elementary School and the adjacent residential neighborhood, government offices, and shopping centers. It will be paid for with $250,000 in grant funds and $40,000 in ADA local funds.

Councilors Kleeburg and Forsmann moved and seconded a motion to award IFB-23-006 to Knox Concrete, LLC, in the amount of $285,250 and authorize the Mayor to execute the agreement between the City of Lewiston and Knox Concrete, LLC. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.*

F. ***RESOLUTION 2023-19***: *Declaring that an emergency exists and that the public interest and necessity demand the immediate expenditure of public money for the design and construction of an interim solution for water storage in the high zone of the City of Lewiston's water system* (D. Johnson)

Through the use of a Power Point presentation, Public Works Director Johnson indicated that this resolution declares an emergency for the expenditure of money for the high reservoir. He provided an overview of the timeline of events, emphasizing that stored water is critical to Lewiston's water system. Many scenarios were reviewed that included temporary water bladders, permanent steel tanks, prefab, etc., but the best solution was determined to be to repair and reutilize the current reservoir.

Continuing, Mr. Johnson said that this declaration expedites the procurement process, allows for direct negotiations with the design/build team, and establishes limits for the overall cost of the project. Normally, a project of this nature would take about 18 to 24 months, which, in this case, the City doesn't have. The Resolution calls out two provisions: one in which the Mayor has the authority to sign the contract for $100,000 to $400,000; and second is that the contract will not exceed $2 million. The first provision will allow the contractor to visit the site to investigate, stabilize the site, do any demolition that is needed, and determine what it will take to repair the reservoir.

Public Works Director Johnson stated that the current water system cannot provide enough water for the irrigation demand. Without enough water, it could potentially lead to depressurization, collapsed pipes, and an additional boil water order. He noted that it will be very important to educate the public and keep them engaged in the process.

If the Council approves this emergency declaration this evening, the Mayor would execute a preliminary selective demolition and evaluation contract. Further analysis will provide what is needed for the design and repair of the high reservoir. A detailed scope of service will then be brought back to the Council for approval. Once stored water is back in the system, staff can begin focusing on long-term solutions.

If the Council chooses not to approve the Resolution, then the standard procurement procedures would need to be followed and there would not be a team on board before summer. Staff would then need to move forward with full irrigation restrictions.

Public Works Director Johnson indicated that to date, all funds utilized for the high reservoir rupture have come from the water utility fund. The funds for the proposed repairs will come from water utility reserves. Work continues to secure funding from the insurance company, DEQ emergency funds, and State and Federal relief. Staff will also continue conversations with the Governor and legislature to determine if any emergency funds are available. Mayor Johnson added that he contacts people at the legislative level on a weekly basis.

Council President Liedkie asked if utilization of the water utility reserves for this project would deplete the fund. Mr. Johnson explained there is a Reserve Fund that is for emergencies and an Opportunity Fund that is used for grant match, etc. Many projects have been moved around that were initially high on the priority list in an effort to free up funding for repairs to the reservoir. He assured the Council that he would provide a better idea of how financially stable the utility fund is when he knows more.

Responding to a question raised by Councilor Forsmann, Mr. Johnson indicated that the money in the utility fund can only be used "utilities" and cannot be used for street repairs, for example.

Councilor Spickelmire asked if the projected end game is to repair the reservoir for long-term use. Public Works Director Johnson explained the goals would be to get off the boil water order and once online if the reservoir holds 2 to 2.5 million gallons and is safe and stable, it could give staff a couple of years to evaluate where the demands are based on growth.

Council President Liedkie said that Mr. Johnson mentioned high priority projects that needed to be moved down on the list and asked what those are. Mr. Johnson indicated he was referring to the transmission line, planning projects, and the 21st Street booster/pump station.

As Lewiston's surface area is expanded, Council President Liedkie asked what this means with regard to staffing needs. Mr. Johnson said if she were to ask that question in December, he would have said that with the new treatment plant, the water system is becoming more efficient. With the scenario the City now faces with no stored water as the demand ramps us, trying to find pumps that are down or leaky mains, it is a different picture. Mr. Johnson stated that if the reservoir can get back up and running and the system is balanced, then the water treatment plant can handle it. With a low reservoir, high reservoir, 100-year-old-plus mains, there are many things that need to be upgraded and it takes strategic planning to get in front of them before they break.

It was moved by Councilor Schroeder and seconded by Councilor Kleeburg to approve Resolution 2023-19.

Councilor Kleeburg said Lewiston is a desert with only 11 inches of rain per year. He stated he is more concerned about fire capacity then he is about having green lawns.

Council President Liedkie asked if the City is more at risk of other things failing if repairs are not made. Public Works Director Johnson replied that the high reservoir is a key cog in the water system that can't be ignored. He added he definitely has concerns for the other 100-year-old utilities, specifically mentioning the transmission line.

ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire. VOTING NAY: None. EXCUSED: Tousley.

VIII. *ITEMS MOVED FROM THE CONSENT AGENDA*

None.

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.*

Council President Liedkie commended the Mayor for taking the reservoir issues to Idaho state officials for potential assistance. She encouraged everyone to pay attention to what is happening at the State level and to reach out to their representatives about the need to bring tax relief to Lewiston.

Councilor Kleeburg agreed, stating that the easy solution would be to reinstate the property tax exemption to where it should be and index it. What is being proposed is neither sustainable nor a long-term solution. Mr. Kleeburg reminded everyone about OpenGov, a program available on the city's website that allows access to all financials, down to every check written.

Councilor Forsmann said she heard from a resident about speeding on Linden Avenue. She noted that individuals can report concerns/crimes by going to cityoflewiston.org/department/police.

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

None.

C. ***MAYOR COMMENTS***

Mayor Johnson encouraged the councilors to provide brief updates at the regular evening meetings on the advisory boards and commissions in which they serve as liaisons.

Additionally, he noted that staff has worked very hard on a Strategic Plan that the Council will be reviewing at its April 3rd work session.

D. ***ADVISORY BOARD OR COMMISSION APPOINTMENTS***

1. ***Disability Advisory Commission***

A motion was offered by Mayor Johnson to appoint Matthew Ruth to the Disability Advisory Commission. Councilor Schroeder provided the second and the motion carried. Councilor Tousley was excused.

2. ***Public Works Advisory Commission***

It was moved by Mayor Johnson to appoint Ryan Rehder to the Public Works Advisory Commission for a three-year term. Councilor Schroeder provided a second and it carried 5 to 0, with Councilor Tousley excused.

Mayor Johnson moved and Councilor Kleeburg seconded the appointment of Laura Wright, Kayleigh Philippi and Kevin Kelly to the Public Works Advisory Commission for three-year terms. The motion carried 5 to 0, with Councilor Tousley excused.

3. Parks and Recreation Advisory Commission

It was moved by Mayor Johnson and seconded by Councilor Forsmann to reappoint James Kirk to a three-year term on the Parks and Recreation Advisory Commission. The motion carried unanimously, with Councilor Tousley excused.

4. Library Board

It was moved and seconded by Mayor Johnson and Councilor Forsmann, respectively, to reappoint Josh Brown to a five-year term on the Library Board. The motion carried 5 to 0, with Councilor Tousley excused.

E. AGENDA TOPICS

Council President Liedkie offered a motion to invite Airport Director Isaacs and/or members of the Airport Authority to make a presentation to the Council at its May 1, 2023, work session. The motion was seconded by Councilor Kleeburg and carried 5 to 0, with Councilor Tousley excused.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Schroeder and Forsmann moved and seconded, respectively, adjournment of the March 27, 2023, Regular meeting at 8:23 p.m.