



**Lewiston Public Works Advisory Commission
REGULAR MEETING AGENDA
June 14, 2023 - 12:00 PM
Bell Building 2nd Floor Meeting Room - 215 D Street**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page, the City's website at cityoflewiston.org, or the City's Youtube at www.youtube.com/@CityofLewistonCommissions.

I. CALL TO ORDER

II. CITIZEN COMMENTS

This is an opportunity for citizens to address the Commission on agenda items or other items they wish to bring to the attention of the Commission or Staff. Comments may be made: (1) in-person, (2) by emailing publicworks@cityoflewiston.org, or (3) by calling 208-553-2662 and leaving a message. Comments submitted by email or phone will be forwarded to the Public Works Advisory Commission. If you would like your comment to be read out loud during the meeting, please so indicate in your message.

III. CONSENT AGENDA

All items on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion on these issues unless a member so requests, in which case the item will be removed from the Consent Agenda and considered under Section IV - Items Moved from the Consent Agenda.

A. **APPROVAL OF MAY 10, 2023 MEETING MINUTES:** - Action Item

IV. DIRECTOR'S REPORT

A. **ORDINANCE NO. 4882 UPDATE**

B. **HIGH RESERVOIR AND IRRIGATION RESTRICTIONS UPDATE**

C. **DOWNTOWN CONSTRUCTION PROJECTS**

V. DISCUSSION ITEMS

A. **DRAFT STORMWATER DRAINAGE SYSTEM UTILITY FEE STRUCTURE AND CREDIT POLICY:** Soliciting feedback on the draft *Stormwater Drainage System Utility Fee Structure and Credit Policy* presented by Stormwater Coordinator Jeff Wiemer.

VI. ITEMS MOVED FROM THE CONSENT AGENDA

VII. UPCOMING EVENTS/MEETINGS

- A. **REGULAR MEETING: JULY 12, 2023:** Query of Commissioners to attend the next regularly scheduled meeting.
- B. **FISCAL YEAR 2024 BUDGET WORK SESSION #5: JUNE 27, 2023:** This is the fifth in a series of budget sessions between City Council and City Department heads which will be held in-person and livestreamed at 3pm in the Bell Building 2nd Floor Meeting Room. This session is dedicated to Public Works.
- C. **PWAC INTERVIEWS**

VIII. UNFINISHED AND NEW BUSINESS

- A. **BOARD MEMBER COMMENTS:** Comments should not be related to an item currently before the Commission or an item that may come before the Commission in the foreseeable future, and should be limited to comments, not discussion.
- B. **STAFF LIAISON COMMENTS**
- C. **FUTURE AGENDA ITEMS:** - Action Item

IX. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided, please contact Public Works Specialist Haley Kelley at least 48-hours in advance of the meeting time at (208) 553-2662 or publicworks@CityofLewiston.org.

May 10, 2023

The PUBLIC WORKS ADVISORY COMMISSION met in the Bell Building 2nd Floor Meeting Room at 215 “D” Street. Vice-Chair Kevin Kelly called the meeting to order at 12:01 p.m. Commission members present at the time Mr. Kelly called the meeting to order included Commissioner Wright, Councilor Forsmann, and Student Member Kayleigh Philippi; a quorum was met and official business was allowed to proceed.

Public Works Advisory Commission meetings are recorded live. To view the full video, go to <https://www.youtube.com/watch?v=t8-DBc8wiCI>.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Laura Wright; Vice-Chair Kevin Kelly; Kayleigh Philippi; Ryan Rehder

CITY COUNCIL LIAISON PRESENT: Councilor Kasee Forsmann

CITY COUNCIL LIAISON ABSENT: Councilor and Chair Kathy Schroeder

STAFF MEMBERS PRESENT: Dustin Johnson, Public Works Director; Haley Kelley, Public Works Specialist; Neal Drury, IT

II. CITIZEN COMMENTS

None.

III. CONSENT AGENDA

Vice-Chair Kelly explained that all items on the Consent Agenda are considered routine by the Commission and will be enacted by one motion. There will be no separate discussion on these issues unless a Commissioner so requests, in which case the item will be removed from the Consent Agenda and considered under "Items Moved From the Consent Agenda".

Commissioner Wright and Councilor Forsmann moved and seconded, respectively, approval of the Consent Agenda. The motion carried 3-0.

A. APPROVAL OF APRIL 12, 2023 MEETING MINUTES: - Action Item

B. APPROVAL OF THE LEWISTON ORCHARDS IRRIGATION DISTRICT (LOID) AS A FUTURE AGENDA ITEM: This item is to formalize approval of Commissioner Rehder's request that the Lewiston Orchards Irrigation District (LOID) be added as an agenda topic. Mr. Rehder's request came after the motion to approve during the April 12, 2023 meeting. - Action Item

IV. DIRECTOR'S REPORT

A. HIGH RESERVOIR UPDATE:

Director Johnson provided highlights from the presentation provided at the May 1, 2023 City Council Work Session and answered clarifying questions from Councilor Forsmann. He explained the relationship between the current Irrigation Restrictions and the High Reservoir rupture which occurred in January 2023.

Vice-Chair Kelly suggested coordination with the Lewiston Tribune to have a standing publication regarding the restrictions. Commissioner Wright suggested that the Irrigation Restrictions should be clearly tied to the High Reservoir in public outreach.

Ms. Wright requested clarification regarding Well 7's operation and age to which Mr. Johnson answered that the capacity data was from a 24-hour span and that Well 7 is a new well in the center of the system with high production.

Ms. Wright requested clarification on the High Reservoir repairs. Mr. Johnson explained that the consultant was not able to find a solution within the City's desired timeline and that the City's path forward is to patch the concrete, install a liner, and install a floating lid to restore use of the reservoir; the system has a warranty of 20 years and both the liner and lid cost an additional one million dollars. Mr. Johnson stated that the critical path item is the floating lid and that the City is at the mercy of the supply chain, but the approximate manufacturing date for the lid is June with an estimate of July 31st for the finalization of the repairs. Mr. Johnson said that updates would be provided regularly on the status of the High Reservoir and thus the Irrigation Restrictions.

Mr. Kelly asked about a long-term solution for the High Reservoir due to the intermediate nature of this repair. Mr. Johnson explained that the water master plan is due for an update soon and that water capacity will be a focus. The CIP has since been adjusted due to the current failures and letters of interest for over \$30 million dollars of capital improvements to the water system have been submitted to the Idaho Department of Environmental Quality (IDEQ) for funding.

Ms. Forsmann asked what the practice moving forward would be for inspections. Mr. Johnson stated that underwater inspections were conducted on a five (5) year schedule with operations staff conducting inspections annually. Mr. Johnson explained that there was no evidence of leaking from the reservoir prior to this rupture.

V. DISCUSSION ITEMS

A. DRAFT ORDINANCE 4882 - STORMWATER DRAINAGE SYSTEM:

Director Johnson prefaced the discussion with an explanation that Ordinance No. 4882 had been introduced during the May 1, 2023 Work Session and describes the right and authority for the City to create a stormwater utility. He reiterated that the ordinance outlines the reasons a utility is necessary but does not set the rate. The rate will be established by a resolution in August with an effective date of January 2024.

Councilor Forsmann said that she was not aware of what was included in the flyer issued to the public but that there seemed to be confusion among the public about the permit that initiated this utility. Public Works Specialist Kelley provided copies of the flyer that were issued with the April utility bill to all members present.

Vice-Chair Kelly requested clarification on the calculation to determine the fees. Mr. Johnson explained that the utility establishes an Equivalent Residential Unit (ERU) equal to 4,500 square feet of Impervious Surface Area (ISA). He explained that when it comes to commercial properties, the ERU rate is spread across the entire amount of ISA on the property.

Commissioner Wright asked how many customers this would impact and where the location of 21st Street stormwater line is located. Mr. Johnson explained that he doesn't have that customer information on hand but that the 21st Street stormwater infrastructure is primarily beneath private

properties.

Wright said that 60-100% of the system was in need of replacement to which Mr. Johnson agreed. Ms. Wright inquired about the cost should this infrastructure fail and stated that according to the master plan, the estimated cost in 2018 was 2.7 million dollars and that the cost would surely be higher now.

Commission members provided the following feedback to Ordinance No. 4882:

Reference	Public Works Advisory Commission Comments
Page 4 of 17, Sec. D.2.c.	Vice-Chair Kevin Kelly requested clarification on which monies would fund street cut patching and similar roadway maintenance during stormwater infrastructure repairs and improvements
Page 5 of 17, Sec.D.3.c.	Vice-Chair Kelly requested clarification on what “stormwater drainage services” entails
Page 7 of 17, Sec.36-253	Commissioner Laura Wright expressed concern that “100-year storm” and/or “100-year flood” is not provided in the definitions and suggested adding it.
Page 7 of 17, Sec.36-253(3)	Commissioner Wright expressed concern that the MS4 permit was identified in the definitions but only called out a single time in the rest of the document (see Sec.36-260(e)). Ms. Wright believes that the MS4 permit should be highlighted throughout the Ordinance to emphasize that the driving force behind the formation of this utility is these federal requirements.
Page 7 of 17, Sec.36-253(4)	Commissioner Wright suggested changing “City-maintained system” to “City-maintained infrastructure system” to reiterate that this utility is equivalent to the water and sewer utilities
Page 7 of 17, Sec.36-253(4)	Commissioner Wright suggested the removal of “municipal” from “municipal stormwater runoff” as the stormwater drainage system will be collecting, conveying, treating, and disposing of all stormwater, not just stormwater which may qualify as “City” stormwater i.e. runoff from streets, sidewalks, City facilities, etc.
Page 8 of 17, Sec. 36-255(a)	Commissioner Wright suggested adding “NPDES programs and education” for the analysis, public education and outreach, illicit discharge program creation, revision of engineering standards for construction activities, etc. that is included in the MS4 permit compliance requirements.
Page 10 of 17, Sec.36-258(f)	Commissioner Wright suggested clarifying this language as, in her opinion, it’s unclear if the user fee credits require an annual application.
Page 10 of 17, Sec.36-258(g)	Commissioner Wright shared the opinion that unless every homeowner has a massive detention basin, stormwater will flow into the City stormwater drainage system. She emphasized the importance of adding 100-year storm language to Sec.36-253 and referencing it here.
Page 13 of 17, Sec.36-260(d)	Commissioner Wright expressed concern that this section does not include the items outlined in Sec.36-255(a) and suggested adding “MS4 permit activities and requirements” to cover future compliance required by DEQ and/or the EPA.
Page 13 of 17, Sec.36-260(e)	Commissioner Wright recommended including the “MS4 permit activities and requirements” to this section as well for continuity purposes.
Pages 13 and 14 of 17, Sec.36.5-1	Commissioner Wright suggested changing “drainage service” to “stormwater service” for clarity and consistency as the Ordinance refers to stormwater services, stormwater fund, etc. but doesn’t consistently use “drainage service”

Mr. Kelly requested estimated annual expenses and revenues for the enterprise fund. Mr. Johnson explained that the budget is currently in the works but that Council directed the City to pursue the fully funded Capital rate that was proposed. He expressed concern on the

impact to budget preparation should Council pursue a lower rate at a later date.

Commissioner Rehder requested clarification from Mr. Kelly on whether his question pertained to rates or the enterprise fund itself. Mr. Kelly clarified that his question pertained to the projected annual budget for the enterprise fund. Mr. Johnson explained that expenses would entail acquisition of equipment, operations, maintenance, permit compliance, etc. and that whatever remains is appropriated for Capital improvements. Mr. Kelly asked what the frequency of review and updates to the rates would be; Mr. Johnson answered that it would be reviewed and updated the same as the other enterprise funds which follow Council adopted master plans.

Mr. Kelly inquired about how the enterprise would function and whether monies would be restricted to the utility. Mr. Johnson explained that monies collected through utility bills are dedicated to their associated enterprise fund and that it is not legal to spend enterprise monies for non-enterprise expenses.

Mr. Rehder expressed that capital reserves are important to set aside in order to coordinate projects within a single location at one time such as an “Opportunity Fund”. Mr. Johnson explained that the "Opportunity Fund" is a reserve but it's intended for non-emergency project. Mr. Rehder proposed that this commission evaluate proposed projects in order to help coordinate opportunity projects to minimize disruption and expense. Mr. Johnson expressed that the City's investment in GIS and Asset Management helps better educate how we approach projects.

Ms. Wright questioned whether the funds currently appropriated to stormwater within the Transportation Fund would go towards street projects with the creation of the utility. Mr. Johnson answered that it would free up property tax money within the General Fund which could be budgeted towards Streets but that it is not a guarantee.

Mr. Johnson explained that the ordinance would not be returning to this group but that the feedback provided today would be compiled and reviewed by City staff. The first reading of the Ordinance will be at the May 22, 2023 City Council.

VI. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

None.

VII. UPCOMING EVENTS/MEETINGS

A. REGULAR MEETING: JUNE 14, 2023

Director Johnson informed the commission that Ordinance No. 4881 was approved at the May 8, 2023 City Council which resulted in an increase to seven (7) voting members in the commission. He shared that he had received applications and interest in applying and that his preference would be to interview and onboard the two available positions at the same time.

Commissioner Wright asked whether the increase to the group size would result in longer regular meetings. Mr. Johnson said that it was a possibility.

B. PUBLIC WORKS EXPO: MAY 25, 2023: The event will be held at the Nez Perce County

Fairgrounds from 9am to 2pm and a *Notice of Possible Quorum* will be issued.

C. FISCAL YEAR 2024 BUDGET SESSION #2: MAY 22, 2023:

Director Johnson shared that budget sessions occur during May and June with this session focusing on the Public Works Other Fees rate proposal which does not include utility rates. He stated that he is not requesting members to attend this session and that the schedule regarding the Public Works focused budget session on June 27, 2023 would be provided to the group should they wish to attend.

Commissioner Wright requested information on Transportation's share of the General Fund for FY23 which Mr. Johnson agreed to provide to the group.

VIII. UNFINISHED AND NEW BUSINESS

- A. BOARD MEMBER COMMENTS:** Comments should not be related to an item currently before the Commission or an item that may come before the Commission in the foreseeable future, and should be limited to comments, not discussion.

None.

B. STAFF LIAISON COMMENTS

Director Johnson reiterated that new members would be joining in the coming months and that budget season would be ramping up. He appreciated the discussions and feedback received during the meeting.

- C. FUTURE AGENDA ITEM:** Per the April 12, 2023 meeting, future agenda topics include: Budget, Stormwater Utility, Streets/Roads, Design Standards (which would encompass right-of-way, engineering, stormwater, and development code) and regular High Reservoir Updates. – Action Item

Commissioner Wright requested an update on the Downtown construction projects be added as an agenda item.

IX. ADJOURNMENT - Action Item

There being no further business, Commissioner Wright and Rehder moved and seconded, respectively, to adjourn the meeting. The motion carried 3-0 and the Public Works Advisory Commission adjourned at approximately 1:20 p.m.

RESPECTFULLY SUBMITTED,

Haley Kelley,
Recording Secretary

Chairperson or Acting Chairperson
Public Works Advisory Commission

Approved this ____ day of _____, 2023

Administrative Policy No:

Subject: Stormwater Drainage System Utility Fee Structure & Credit Policy (DRAFT)

Date Effective:

Reviewed/Updated:

Approved:

SECTION ONE: Policy

This policy addresses the following sections of the Stormwater Drainage System Utility Ordinance 4882:

Section 36-257 Policies and Procedures

Section 36.258 Stormwater User Fee

SECTION TWO: Fee Structure

Service Area 1: \$TBD By Council per Rate Resolution

Service Area 2: \$TBD By Council per Rate Resolution

One (1) Equivalent Residential Unit (ERU) is equal to 4,500 square feet of Impervious Surface Area (ISA).

The Utility Assistance Program will be available for eligible citizens.

Commercial Properties

All commercial properties, hotels, dwellings larger than a fourplex, industrial properties, public properties and facilities, etc. are to be defined as "Commercial Properties".

The number of ERU's a Commercial Property is billed each month is determined by the total amount of ISA on the property.

Residential Properties

Single Family Residential (SFR); Multi-Residential (MR) which includes Duplexes, Triplexes, and Fourplexes; Mobile Home Parks; Condos; and Condo Associations are to be defined as "Residential Properties".

The number of ERU's a Residential Property is billed each month is determined as follows:

Single Family Residence (SFR) is equal to 1 ERU and is not eligible for credit.

Multi Residential (MR) is equal to 0.5 ERU/Dwelling (Duplex = 1 ERU, Triplex = 1.5 ERU, Fourplex = 2 ERU).

Mobile Home Parks are billed like a commercial property to the mobile home park owner and includes the footprint of each mobile home.

Condominiums are equal to- 0.5 ERU to each condo owner unless there is a Condo Association in which case the Condo Association is treated like a Commercial Property and the responsible party of the Condo Association is billed.

SECTION THREE: Credit Eligibility Criteria

Type of Credit or Waiver	Reason	Amount	¹Eligibility Criteria
Commercial Non-Use	Developed real property that naturally does not discharge to the City ² <i>Stormwater Drainage System</i> is assumed to receive no City stormwater services and is therefore not subject to stormwater user fees.	Under Section 258(g) of Ordinance 4882, 100% waiver applied to that portion of Impervious Service Area (ISA) that (1) does not have any impervious surface, (2) is served by its own stormwater system such that the real property's stormwater runoff does not discharge to the City's Stormwater Drainage System, or (3) is not directly or indirectly hydraulically connected to the City's Stormwater Drainage System.	Customers who submit site specific topographic and drainage information and a hydrologic analysis to the City that shows runoff will not leave the property, or portions thereof, for up to and including a 100-year, 24-hour storm event are eligible for a waiver for the applicable portion of the property. The hydrologic analysis shall be completed by a ³ <i>qualified professional</i> . The conditions preventing off-site discharges must remain in place to remain eligible for the waiver. This credit is primarily for natural conditions. If constructed retention facilities are involved, then the On-Site Retention application process must be used.
Vacant Undeveloped Property	Undeveloped real property that contains no impervious groundcover and remains in a natural state is assumed to	100% waiver applied to the entire property.	Properties that remain in an undeveloped state are eligible for a waiver. The conditions preventing off-site discharges beyond that expected for such property in a natural state must remain in place to remain eligible for the waiver. Property owners must

	receive no City stormwater services beyond that used by such property under natural conditions and is therefore not subject to stormwater user fees.		notify the City if site condition changes occur that affect eligibility for the waiver, including land disturbing activities (clearing, grading, and/or excavation), and/or construction of impervious surfaces.
Commercial On-Site Gravel Areas	The City considers all compacted gravel areas (drives, storage areas, etc.) as impervious areas. However, on-site gravel that is not compacted (e.g., large storage areas with no vehicular traffic.) is considered less impervious. Customers in the City with uncompacted gravel areas reduce the amount of runoff leaving their property and their burden on the City ² <i>Stormwater Drainage System</i> and therefore receive a lower level of City stormwater services.	15% credit applied to qualifying graveled area. 100% waiver will be applied to qualifying gravel landscaped area.	Customers who submit site specific information that demonstrates that on-site gravel is not compacted, not subjected to vehicular traffic, are eligible for up to a 15% credit for the applicable portion of the property upon inspection by the City. The conditions leading to a reduction in off-site discharges must remain in place to remain eligible for the credit. The customer must notify the City if site condition changes occur that affect credit eligibility or amount, including an increase/decrease in qualifying graveled areas, change to compacted use, exposure to vehicular traffic, etc.
Commercial On-Site Retention/Treatment Equivalent	A customer who retains and infiltrates or otherwise prevents a significant amount of runoff from leaving their property, or implements treatment requirements which attain an equal or greater level of water quality benefits as onsite retention of stormwater discharges, reduces their burden on the City ² <i>Stormwater Drainage System</i> and therefore receives a lower level of City	For the portion of ISA draining to the following retention system: 40% credit for 25 year-24 hour storm, 30% credit for 25 year- 3 hour storm, 20% credit for 95 percentile-24 hour storm, 15% credit for retention of 0.4" of runoff from contributing ISA.	For qualifying commercial properties only. Customers who submit site specific topographic and drainage information, a hydrologic analysis, an engineered design, an O&M Plan, as-built information showing the retention system was properly constructed, and, when applicable, Underground Injection Control compliance documentation, shall be eligible for the credit upon inspection and approval of the facility by the City. All work must be permitted by the City and meet City standards. Hydrologic analyses and designs shall be completed by a ³ <i>qualified professional</i> . The customer must annually provide proof of proper ongoing O&M and functionality to the City in order to remain eligible. The customer must notify the City if

	stormwater drainage services.		site drainage changes occur that affect credit eligibility or amount.
K-12 Educational Activities	Elementary, middle, and high schools that provide educational activities centered on watershed pollution and protection increase awareness about surface and groundwater resources, the effects of urbanization on these resources, and encourage students to be lifelong stewards of our area's precious natural resources. Collectively, these efforts help offset the City's cost of providing similar targeted education and outreach to this sector of the general public.	20% credit applied to ISA.	While an approved curriculum is available, schools may develop their own curriculum for review and approval by the City's Stormwater Department. Participation in the program, and eligibility for the credit, is subject to the following conditions: • The school is an accredited K-12 educational institution on property that discharges stormwater to the City's² <i>Stormwater Drainage System</i> and is subject to stormwater user fees; • The education outreach is designed to reach every student in the school at least once during their time at that school location; • The educational activities consist of a minimum of one approved lesson of instructional content specific to stormwater education; • The institution provides documentation of curriculum taught and verification of the number of students that received instruction on an annual basis. The school must notify the City if changes in the conditions of participation occur that affect credit eligibility.
LCSC Co-Permittee	As a Co-Permittee, LCSC is required to implement activities to reduce their stormwater pollution below the normal range.	20% credit, if criteria is met	Must meet compliance with the Municipal IPDES stormwater permit
Public Roads	The public road system serves as an integral component of the storm control system. Road drainage systems accommodate a significant portion of off-road runoff, as	50% waiver applied to ISA within public road ROWs.	Where the City is responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittee must ensure those procedures are conducted in a manner to protect water quality and reduce the discharge of pollutants through the MS4.

	well as runoff from the road which is ultimately there to serve property owners who use the road system.		
City Owned Buildings and Facilities	Charged the same as commercial properties to maintain fairness.	No Credit; ERU's figured on the amount of ISA on the property	
Public Parks, Open Space, Trails, & Paths	Charged the same as commercial properties to maintain fairness.	No Credit; ERU's figured on the amount of ISA on the property	

¹The City may at its discretion use readily available information to make a good faith effort to identify customer parcels, or portions of parcels, believed eligible for credits or waivers. Any City assignment of credits or waivers should not be construed to be comprehensive, complete, or entirely accurate. Customers are ultimately responsible for providing the necessary information to the City to prove and maintain eligibility.

²The City maintained system of ditches, channels, creeks, rivers, ponds, swales, basins, treatment systems, wetlands, curbs, gutters, inlets, storm pipes, outfalls, and any other appurtenances necessary, useful or convenient for the orderly collection, conveyance, treatment, and disposal of stormwater runoff.

³A professional Civil Engineer, Environmental Engineer, Agricultural Engineer or a competent professional who is well versed in the field of hydrology, hydraulics, and stormwater system design.