

September 25, 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.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance.

III. CITIZENS COMMENTS

Mayor Johnson explained that he has received several questions as to whether Council can ask questions during public comment and the answer is yes.

No citizen comments.

IV. PUBLIC HEARINGS AND RELATED ACTION ITEMS

A. PUBLIC HEARING VA-02-2023:

Announcing it was the time and place for the public hearing, Mayor Johnson explained the public hearing process, opened the public hearing and asked for the staff report.

City Surveyor Weigand explained the applicant, Dan Yonge with DK Holdings, LLC filed a petition requesting that the City vacate a 476 foot long section of Bryden Avenue public right-of-way west of 18th Street. Previous requests from other adjacent landowners in the past to vacate portions of the Bryden Avenue right of way in the area were unsuccessful, due to various issues such as lack of consent from adjacent landowners, loss of possible future connections for the public transportation network and uncertainty regarding the development plans of the vacant land to the south of Bryden Avenue.

Continuing, Mr. Weigand said Mr. Yonge was successful in obtaining consent letters for all of the adjacent landowners and his proposal addresses concerns regarding continuation of the street network and connections to the development south of the

proposed vacation by applying for approval of a preliminary plat, Canyon Crest South Addition, in conjunction with the request. Concluding his report, Mr. Weigand explained that Council should consider the vacation request and the Canyon Crest South Addition preliminary plat for the subdivision as a package deal and either approve both or deny both.

As the applicant was not present, Mayor Johnson asked for public testimony.

Peter Volk, attorney for Brian Steele, stated Mr. Steele is opposed to the request and noted it is prohibited in city code to not have primary arterial right-of-way and encouraged council to take the opportunity to fix what had been done wrong in the past.

Jake Cahill, a resident of Lewiston, opposed the partial vacation and asked council to vacate all or none.

Jud Taylor, a resident of Lewiston, expressed his opposition to the partial vacation and pointed out city code Section 32-35 (c) says single-family residential lots extending through the block and having frontage on two parallel streets shall not be permitted; reverse frontage shall be prohibited except where expressly permitted in accordance with subsection 32-32(f).

Doug Lind, a resident of Lewiston, opposed the vacation request as presented and respectfully requested council to vacate the entire section.

Gary Smith, a resident of Lewiston, opposed the request as it would remove the green space/buffer zone between the areas.

Les Lowery, a resident of Lewiston, expressed opposition to the request as it would remove parts of his backyard and cause safety concerns for his grandchildren.

Laurie Glasspell, a resident of Lewiston, said she can't support the request as is and would prefer they vacate all or nothing.

Jud Taylor, a resident of Lewiston, pointed out that this area of Bryden will not connect to 5th Street due to a canyon on one side and Lindsey Creek on the other side.

Eric Bruce, a resident of Lewiston, pointed out the different access areas that the city has to get to the utilities and that it would give him the opportunity to not have vehicles speeding by, if they vacated the whole section.

Jud Taylor, a resident of Lewiston, commented that by not vacating the property the problem of the double frontages is not being fixed.

Gary Smith, a resident of Lewiston, commented that the street would end up having a dead end on either side because of the canyons and reiterated his concerns about traffic.

City Surveyor Weigand clarified that the plat being proposed has to adhere to code and continue the streets, but the point of contention for the vacation request is other adjacent landowners would like council to vacate an additional portion of the street that the plat continuation would be connected to.

Michael Dancy, a resident of Lewiston, spoke to the possibility of a congestion problem and his preference was to vacate the section or not at all.

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

B. CONSIDERATION OF VA-02-2023:

Councilors Schroeder and Kleeburg moved and seconded, respectively, to direct staff to draft a resolution denying the vacation petition because the public interest would be prejudiced by the vacation. The motion passed 6-0.

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 asked that Item V.D. Preliminary Plat - Canyon Crest South Addition be moved from the Consent Agenda.

Councilors Forsmann and Schroeder moved and seconded, respectively, to approve the remaining Consent Agenda Items A, B, and C. *ROLL CALL VOTE: VOTING AYE: Liedkie, Tousley, Forsmann; Schroeder; Kleeburg; Spickelmire.*

A. CITY COUNCIL MINUTES: 9/11/2023 Special Work Session; 9/11/2023 Regular; 9/13/2023 Executive - Action Item

B. ADVISORY BOARD/COMMISSION MINUTES: 8/3/2023 Historic Preservation Commission; 7/26/2023 Planning and Zoning Commission; 6/13/2023 and 7/20/2023 Urban Renewal Agency - Action Item

C. VOUCHER'S PAYABLE: Considering approval of the Voucher's Payable dated 08/25/2023 through 09/07/2023 for the amount of \$1,499,006.94 - Action Item

VI. ACTIVE AGENDA

- A. **LEWIS-CLARK VALLEY METROPOLITAN PLANNING ORGANIZATION ADMINISTRATION AGREEMENT:** Considering approval of an agreement between the City of Lewiston and the Lewis Clark Valley Metropolitan Planning Organization (LCVMPO) for administrative services - Action Item

Councilors Schroeder and Tousley moved and seconded, respectively, to approve the Agreement for Services between the City of Lewiston and the Lewis Clark Valley Metropolitan Planning Organization. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire.*

- B. **COLLECTIVE BARGAINING AGREEMENT - FRATERNAL ORDER OF POLICE, LEWIS-CLARK LODGE #10:** Considering approval of a Collective Bargaining Agreement with the Fraternal Order of Police, Lewis-Clark Lodge #10, for the period of October 01, 2023 through September 30, 2026 - Action Item

Councilors Tousley and Schroeder moved and seconded, respectively, to approve the Collective Bargaining Agreement between the City of Lewiston and Fraternal Order of Police Lewis-Clark Lodge #10. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire.*

- C. **MODIE PARK MEMORANDUM OF UNDERSTANDING:** Considering approval of a Memorandum of Understanding between the City of Lewiston and the Modie Park Conservancy, Inc. regarding the development, maintenance and operation of the Ruth Rowell Modie Wildlife Park - Action Item

Councilors Forsmann and Schroeder moved and seconded, respectively, to approve the Memorandum of Understanding between the City of Lewiston and Modie Park Conservancy, Inc. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Spickelmire. EXCUSED: Kleeburg.*

D. ORDINANCES

1. FIRST READING

- a. **ORDINANCE 4845:** Considering amending various sections in Lewiston City Code Chapter 24 related to general provisions under Article I, noise control and regulation under Article II, repealing and reserving Article III related to off-road vehicles, and graffiti abatement under Article IV - Action Item

Councilors Schroeder and Forsmann moved and seconded, respectively, to approve the first reading of Ordinance 4845. The motion passed 6-0.

ORDINANCE 4845: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING VARIOUS SECTIONS IN ARTICLE I, CHAPTER 24 OF THE LEWISTON CITY CODE PERTAINING TO GENERAL PROVISIONS; AMENDING VARIOUS SECTIONS IN ARTICLE II, CHAPTER 24 PERTAINING TO NOISE CONTROL AND REGULATION; REPEALING SECTION 24-39 TITLED "MOTOR VEHICLE NOISE PERFORMANCE STANDARDS;" REPEALING SECTION 24-40 TITLED "MAXIMUM PERMISSIBLE ENVIRONMENTAL NOISE AND SOUND LEVELS;" REPEALING ARTICLE III, CHAPTER 24 TITLED "OFF-ROAD VEHICLES;" AMENDING SECTION 24-52 PERTAINING TO GRAFFITI ABATEMENT; ENACTING SECTION 35-22 PERTAINING TO COMPRESSION OR "JAKE" BRAKES; AND PROVIDING AN EFFECTIVE DATE.

- b. **ORDINANCE 4883:** Considering amending various sections in Lewiston City Code Chapter 8 related to fines associated with animal violations and various sections in Chapter 35 related to fines with traffic and parking violations - Action Item

Councilors Schroeder and Forsmann moved and seconded, respectively, to approve the first reading of Ordinance 4883. The motion passed 6-0.

ORDINANCE 4883: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING VARIOUS SECTIONS IN CHAPTER 8 OF THE LEWISTON CITY CODE RELATED TO FINES ASSOCIATED WITH ANIMAL VIOLATIONS, AMENDING VARIOUS SECTIONS IN CHAPTER 35 RELATED TO FINES AND PENALTIES ASSOCIATED WITH TRAFFIC AND PARKING VIOLATIONS, ENACTING SECTION 35-23 RELATED TO DEBRIS IN HANDICAPPED PARKING SPACES, ENACTING SECTION 35-24 RELATED TO INFRACTION PENALTIES UNDER ARTICLE I, ENACTING SECTION 35-54 RELATED TO INFRACTION PENALTIES UNDER ARTICLE III, REPEALING SECTION 35-169 RELATED TO WALKING ON THE LEFT HAND-SIDE OF A ROADWAY WHEN NO SIDEWALK IS PRESENT, ENACTING SECTION 35-170 RELATED TO INFRACTION PENALTIES UNDER ARTICLE VIII, AND PROVIDING AN EFFECTIVE DATE.

- c. **ORDINANCE 4887:** Considering amending definitions in Sections 26-40 and 31-2 of the Lewiston City Code, amending Section 31-33 to require property owners to keep sidewalks abutting their property free and clear of encroachments from trees and shrubs, and amending various sections in Article II of Chapter 35.5 related to the encroachment and abatement of

trees and shrubs in public rights-of-way - Action Item

Councilors Forsmann and Liedkie moved and seconded, respectively, to approve first reading of Ordinance 4887. The motion passed 6-0.

ORDINANCE 4887: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING DEFINITIONS IN SECTIONS 26-40 AND 31-2 OF THE LEWISTON CITY CODE; AMENDING SECTION 31-33 TO REQUIRE PROPERTY OWNERS TO KEEP SIDEWALKS ABUTTING THEIR PROPERTY FREE AND CLEAR OF ENCROACHMENTS FROM TREES AND SHRUBS; AMENDING VARIOUS SECTIONS IN ARTICLE II OF CHAPTER 35.5 RELATED TO THE ENCROACHMENT AND ABATEMENT OF TREES AND SHRUBS IN PUBLIC RIGHTS-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

- d. **ORDINANCE 4899:** Considering amending various sections in Chapter 2 of the Lewiston City Code pertaining to the creation, membership, and powers and duties of the Development Impact Fee Advisory Committee - Action Item

Councilors Schroeder and Tousley moved and seconded, respectively, to approve the first reading of Ordinance 4899. The motion passed 6-0.

ORDINANCE 4899: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING VARIOUS SECTIONS IN CHAPTER 2 OF THE LEWISTON CITY CODE PERTAINING TO THE CREATION, MEMBERSHIP, AND POWERS AND DUTIES OF THE DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

- e. **ORDINANCE 4898:** Considering amending Section 31-75(1) of the Lewiston City Code related to encroachment permits and the associated fee - Action Item

Councilors Forsmann and Schroeder moved and seconded, respectively, to approve the first reading of Ordinance 4898. The motion passed 6-0.

ORDINANCE 4898: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 31-75(1) OF THE LEWISTON CITY CODE RELATED TO ENCROACHMENT PERMITS AND THE ASSOCIATED FEE, AND PROVIDING AN EFFECTIVE DATE.

2. **FIRST, SECOND, AND THIRD READINGS**

- a. **ORDINANCE 4900:** Considering the first, second and third readings of Ordinance 4900 to amend Section 42-1(b) of the Lewiston City Code to exclude from the definition of homeless shelter certain temporary warming facilities - Action Item

Councilors Tousley and Forsmann moved and seconded, respectively, to combine the 1st, 2nd, and 3rd readings and waive one reading in full of Ordinance No. 4900. The motion passed 5-1 with Councilor Kleeburg opposed.

Councilors Tousley and Forsmann moved and seconded, respectively, to approve the 1st, 2nd, and 3rd readings of Ordinance 4900. The motion passed 5-1 with Councilor Kleeburg opposed.

ORDINANCE 4900: AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 42-1(b) OF THE LEWISTON CITY CODE TO EXCLUDE FROM THE DEFINITION OF HOMELESS SHELTER CERTAIN TEMPORARY WARMING FACILITIES, AND PROVIDING AN EFFECTIVE DATE AND EXPIRATION DATE.

3. **ADOPTION AND APPROVAL OF ORDINANCE SUMMARY**

- a. **ORDINANCE 4900:** Considering adoption and approval of the Ordinance Summary - Action Item

Councilors Tousley and Forsmann moved and seconded, respectively, to adopt Ordinance 4900 and approve the related ordinance summary. *ROLL CALL: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Spickelmire. VOTING NAY: Kleeburg.*

VII. **ITEMS MOVED FROM THE CONSENT AGENDA** - Action Item

D. **PRELIMINARY PLAT - CANYON CREST SOUTH ADDITION:** - Action Item

Mayor Johnson explained that the Canyon Crest South Addition preliminary plat approval was only to be considered if the City Council made a conditional approval of the related Bryden Avenue vacation request under item IV. A and B. Since Council did not pass VA-02-2023, Councilors could make a motion to reject the preliminary plat as presented.

Councilors Tousley and Forsmann moved and seconded, respectively, to reject the Canyon Crest South Addition preliminary plat as presented. *ROLL CALL: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire.*

VIII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS:

Council President Liedkie expressed appreciation for receiving several emails commending city staff for their work.

B. CITY BOARDS AND COMMISSIONS LIAISON UPDATES

None.

C. MAYOR COMMENTS

Mayor Johnson commented that the door is not closed for discussions, concerns, or suggestions related to the collective bargaining agreements and he is willing to help in those discussions.

Mayor Johnson noted he had also received positive comments about city staff.

D. ADVISORY BOARD AND COMMISSION APPOINTMENTS

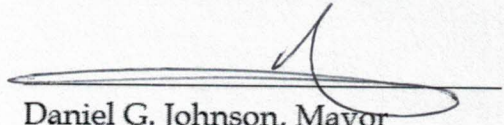
None.

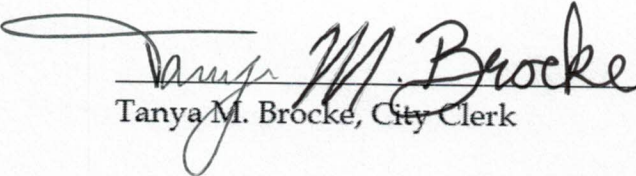
E. AGENDA TOPICS: - Action Item

None.

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 September 25, 2023 Regular meeting. The motion carried 6-0 and the meeting adjourned at approximately 8:44 p.m.


Daniel G. Johnson, Mayor


Tanya M. Brocke, City Clerk

