February 13, 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; 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. CITIZEN COMMENTS

Johanna Frank provided the words for a song dedicated to her brother.

IV. 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".

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

A. ***LEWISTON CITY COUNCIL MEETING MINUTES***: *01/19/23 Special; 01/23/23 Executive Session; 01/23/23 Regular* – Action Item

B. ***ADVISORY BOARD AND COMMISSION MEETING MINUTES***: *12/08/22 Business Improvement District Advisory Board; 01/11/23 Planning & Zoning Commission* – Action Item

C. ***SUBDIVISION PLAT – CAHILL ADDITION***: *Considering the subdivision of approximately 1.88 acres of undeveloped property between Airway Avenue and undeveloped Bryden Avenue, east of 18th Street, into three lots* – Action Item

D. ***PRELIMINARY PLAT EXTENSION REQUEST – VALLEY VISTA HEIGHTS, BLOCK 18***: *Considering the additional extension for the Valley Vista Heights, Block 18, Preliminary Plat* – Action Item

E. ***VOUCHERS PAYABLE***: *Considering approval of the Voucher's Payable dated 01/06/22 through 01/19/22 - $2,761,277.32* – Action Item

V. ACTIVE AGENDA

A. ***CLEARWATER FINANCIAL, LLC ENGAGEMENT AGREEMENT***: *Considering approval of the Clearwater Financial Agreement* – Action Item (Barker)

It was reported by Parks and Recreation Director Barker that this agreement is related to bond services for Community Park.

Councilors Schroeder and Forsmann moved and seconded approval of the Engagement Agreement between the City of Lewiston and Clearwater Financial, LLC. *ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Liedkie; Spickelmire.*

B. ***ADDENDUM #1 TO THE AGREEMENT WITH CLEARWATER FINANCIAL RELATED TO PUBLIC ENGAGEMENT***: *Considering approval of Addendum #1 to the Clearwater Financial Agreement* – Action Item (Barker)

Parks & Recreation Director Barker explained that this addendum is for additional services related to public engagement and education for the bond election next November. It would provide funding for engaging with the public, surveying, interactions, and finding out where Community Park sits as far as support, etc. This is a very vital portion of this process and would complete a step within the approved Master Plan.

Councilor Spickelmire questioned the 2023 amount related to the addendum. Mr. Barker replied that it would be $36,000.

It was moved and seconded by Councilor Schroeder and Councilor Kleeburg to approve Addendum #1 to the Engagement Agreement between the City of Lewiston and Clearwater Financial, LLC.

Councilor Spickelmire stated that until the Council has the public's support, he would have a hard time supporting this expenditure. He added that he doesn't believe that Community Park has a strong future.

Council President Liedkie agreed, stating she too cannot support this motion as there are other projects that supersede spending additional funds on Community Park.

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

The Mayor broke the tie vote by voting aye and the motion passed.

C. ***<u>RESOLUTION 2023-3</u>***: *Considering approval of the Title VI/Limited English Proficiency Plan* – Action Item (Province)

Human Resources Director Province explained that Resolution 2023-3 is an updated Title 6 Limited English Proficiency Plan. It is a requirement of the federal government for any entities that receive federal funds and puts a process in place to keep the city out of discriminatory situations by providing a complaint process.

Councilor Tousley indicated that this plan does not only protect those individuals utilizing English as their second language, but also those who struggle with their native language.

Councilor Schroeder offered a motion to approve Resolution 2023-3. Councilor Forsmann seconded the motion. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

D. ***<u>RESOLUTION 2023-10</u>***: *Considering approval of the Downtown Lewiston Infrastructure Scoping Study drafted by Horrocks* – Action Item (D. Johnson)

Public Works Director Johnson explained that in February 2022, the Council approved a scoping study with Horrocks Engineers in an effort to compile all of the data collected within previous Downtown Lewiston plans. This study charts a path forward for future improvements to wastewater, water, stormwater and transportation facilities in Downtown Lewiston. The study also provides phased plans for infrastructure improvements downtown which will assist the City with pursuing funding options and capital planning in the coming years. Mr. Johnson noted that action this evening does not bind the Council to any expenditures, but merely formalizes the process of accepting the findings of the scoping study.

Council President Liedkie noted that the total projects costs were completed in 2022, so when it was mentioned that this would be used for grants, she asked if price adjustments to the current projects would need to be made due to increasing costs. Further, Ms. Liedkie asked if this would affect writing any grants moving forward. Public Works Director Johnson replied that he doesn't believe so, as it will most likely be used to focus on bite-sized pieces utilizing the Downtown URA, commerce grants, DEQ stormwater grants, etc.

It was moved and seconded by Councilors Schroeder and Tousley to approve Resolution 2023-10. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

E. ***<u>RESOLUTION 2023-11</u>***: *Considering approval of the Federal Transit Administration Fiscal Year 2023 Certifications and Assurances* – Action Item (Seigneur)

Transit Manager Seigneur said she is coming before the Council as she does annually to ask for approval of the Certifications and Assurances which allow Lewiston Transit to be funded every year. This represents $650,000 plus of Transit's budget.

Councilor Schroeder provided a motion to approve Resolution 2023-11. It was seconded by Council President Liedkie and carried. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

F. ***AMENDMENT TO FEDERAL TRANSIT ADMINISTRATION (FTA) AGREEMENT***: *Considering approval of an amendment to extend the date of the Federal Transit Administration (FTA) 5339 Funding Agreement #C2076LT for $220,000 to September 30, 2023* – Action Item (Seigneur)

Ms. Seigneur reported that she is asking the Council to sign an amended contract with the FTA for two fixed route buses. These buses were ordered in 2021, however, by the time they were delivered, the contract had expired. This amendment would extend the contract to allow for a reimbursement to the City in the amount of $220,000.

It was moved and then seconded by Councilor Schroeder and Councilor Kleeburg, respectively, to approve Amendment 1 to the FTA 5339 Small Urban Funding Agreement #C2076LT between the City of Lewiston and Idaho Transportation Department. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

G. ***IFB-23-004 DOWNTOWN TRANSMISSION MAIN REPLACEMENT***: *Considering approval of a bid award for the Downtown Transmission Main Replacement Project to LaRiviere, Inc., in the amount of $1,703,350* – Action Item (D. Johnson)

Public Works Director Johnson stated that in 2022, the City Council approved a professional services agreement with Mountain Waterworks for the first phase of the Downtown Transmission Main Replacement project which is funded by ARPA funds. Mountain Waterworks first deliverable was to compile and update bid documents for water transmission replacement projects on Main Street, from 9th Street to Jefferson Street, and on Main Street, from 18th Street to US 12. Five bid packages were received, with LaRiviere, Inc. from Rathdrum, Idaho, submitting the lowest bid in the amount of $1,703,350 at 18 percent less than the engineer's cost estimate. Mr. Johnson noted that $5,509,320 has been appropriated for Main Street water line replacement for FY23 through the ARPA/DEQ grant offer and no local funds will be used.

Mr. Johnson noted that questions have arisen with regard to pulling the funding from these projects and using it for improvements to the ruptured reservoir. He said his advice would be not to do that as there is still $2 to $3 million remaining in ARPA allocations and staff is still in conversations with the State and others regarding potential funding assistance. He noted that spending the funding on the water transmission projects will not hinder the city's ability financially for the reservoir.

In response to a question from Councilor Spickelmire regarding the bid amounts, Public Works Director Johnson explained the spread was incrementally what one would typically see for a project like this. The bid process was open to allow for more bids and the city is obligated to award to the low bidder if there are no other issues with the company.

A motion and second were offered by Councilors Schroeder and Forsmann to award IFB-23-004 to LaRiviere, Inc., and authorize the Mayor to execute the agreement between the City of Lewiston and LaRiviere, Inc. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

H. ***RFP-23-007 – BURRELL AVE & 10TH ST MINI ROUNDABOUT***: *Considering approval of the bid for the Burrell Avenue and 10th Street Mini Roundabout to Western Construction, Inc. in the amount of $328,418* – Action Item (Bailey)

It was reported by Public Works Director Johnson that the roundabout is proposed at the intersection of 10th Street and Burrell Avenue, halfway between Centennial Elementary and the Boys and Girls Club. This project is the #3 priority on the city's Transportation Capital Improvement Plan. Due to 14 crashes historically at this location, a mini roundabout was recommended. Staff also considered converting the intersection to a four-way stop, but traffic congestion was a concern. Because this is a fairly small project, it was not too surprising that the bid came in at 46 percent over the engineer's estimate.

Continuing, Mr. Johnson said that pedestrian traffic was a large consideration for this project. This design pulls the pedestrians back from the intersection so they are not mingling with traffic. Though costs came in over budget, it doesn't require additional right-of-way or significant right-of-way modifications. Traffic data demonstrates that accidents are fewer and less impactful than with a four-way stop. Public Works Director Johnson said he does not want to build a project the Council and the public don't want. However, he reiterated that it was identified as one of the top 3 projects within the CIP.

Councilor Schroeder expressed her support for the roundabout as pedestrians will be directed away from the roundabout itself.

Councilor Tousley asked if a lighting system, such as that on Snake River Avenue, was considered. Public Works Director Johnson replied that this was considered, but it wouldn't mitigate the traffic issue. He noted that a full blown signal costs approximately $500,000.

Councilor Forsmann said that she drives this intersection every day and noted it is very congested. She expressed her support for the project, noting that her hope is that children will now have a safer location to cross. Ms. Forsmann stated crossing flags could potentially be utilized as an extra measure of precaution.

Councilor Kleeburg stated that he supports this project as it has been proven that small roundabouts work to slow traffic. He added that Burrell serves as an alternative route to Bryden Avenue and speed is a problem.

Council President Liedkie said she appreciates the ADA ramps and some sidewalk that is included in this project. However, she asked what would be done to mitigate where the project ends and peoples' needs beyond that point. Mr. Johnson explained that the only sidewalk is on the north side. The City has been very successful every year with the Safe Routes to Schools Program where funding is available for sidewalks connecting schools. He noted that staff does strive to continue to connect commercial areas, schools, etc.

Ms. Liedkie then expressed some concern about the location of the roundabout in relation to the school. She asked if anything is being done to lessen the speed closer to the schools in the area and if the roundabout would be the only point for kids to cross the road safely. Finally, Ms. Liedkie questioned if the roundabout would ultimately push more traffic to other side streets creating congestion where it currently doesn't exist. Mr. Johnson replied that speed and traffic volume studies frequently to see where traffic is going. Like any project, this would improve one area but may have an impact on other areas.

Councilor Spickelmire questioned the validity of roundabouts serving as an aid to pedestrian safety. Mr. Johnson noted that literature says so, particularly in single-lane roundabouts.

Councilor Forsmann asked if there is another project in the same price range that these monies could be used for. Though he could find a use for the funds, Public Works Director Johnson reminded the Council that this is the #3 project within the CIP and is in the budget specifically for this use.

Responding to a question raised by Council President Liedkie regarding the difference in the amount of the bids that were submitted, Mr. Johnson noted that bidders are allowed to bid as they see fit. The areas of mobilization and traffic control are the two that give bidders the most flexibility. Some of the costs depend on the location of the company and equipment, whether the equipment is tied up, if outside contractors have to be utilized, flaggers, signs, etc.

Councilor Tousley emphasized that literature says that roundabouts make intersections safer and schools have flashing lights to reduce traffic to 20 mph. He said he believes this expenditure is a small price to pay to make this intersection safer.

Councilor Schroeder moved to award RFP-23-007 to Western Construction of Lewiston, Inc. and authorize the Mayor to execute the agreement between the City of Lewiston and Western Construction of Lewiston, Inc. The motion was seconded by Councilor Tousley. *ROLL CALL VOTE: VOTING AYE: Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: Liedkie; Spickelmire.*

I. ORDINANCES

1. FIRST, SECOND AND THIRD READINGS

a. **Ordinance 4874**: *Authorizing and providing for the issuance of a Sewer Revenue Bond, Series 2023, in a principal amount not to exceed $29,181,000 for the purpose of financing the acquisition, construction and installation of improvements to the sanitation sewer system of the City of Lewiston; describing the bond; providing for the collection and disposition of revenues; providing for the payment of the principal of and interest on the bond; establishing funds and accounts; providing covenants relating to the bond; providing for the sale of bond to the Idaho Department of Environmental Quality; providing for related matters* – Action Item

Public Works Director Johnson noted that Ordinance 4874 is required as part of the closure of the bond for the Wastewater System Improvements in the amount of $29,181,000. It authorizes the sale of the Lewiston Sewer Revenue Bond to the Idaho Department of Environmental Quality and will provide the funds to pay off the interim financing provided by DEQ for the Wastewater System Improvements. Mr. Johnson reported that this project has been under construction for 3 years. With some paving, landscaping and irrigation items still not complete, the loan could not be closed. Mr. Johnson commended Mayor Johnson and Engineering Projects Supervisor Kaufman for working with DEQ to allow for the loan to be closed, ultimately saving the City daily interest on a $29 million balance.

There was a motion and second submitted by Council President Liedkie and Councilor Kleeburg to combine the first, second and third readings and waive the third reading in full of Ordinance 4874. The motion carried 6 to 0.

A motion was then offered by Council President Liedkie and seconded by Councilor Schroeder to approve the first, second and third readings of Ordinance 4874. The motion carried unanimously.

ORDINANCE 4874: "AN ORDINANCE OF THE CITY OF LEWISTON, NEZ PERCE COUNTY, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A SEWER REVENUE BOND, SERIES 2023, IN A PRINCIPAL AMOUNT NOT TO EXCEED $29,181,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY OF LEWISTON; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE"

2. ***SECOND/THIRD READINGS***

a. ***Ordinance 4870***: *Repealing and reserving Section 8-9 of the Lewiston City Code regarding animal cruelty, amending Section 8-11 to remove unnecessary definitions, amending Section 8-33 to remove provisions regarding cruelty of dogs, and amending Section 8-43(b) to remove a reference to Section 8-9* – Action Item

It was moved and seconded by Councilors Kleeburg and Schroeder to combine the second and third readings and waive the third reading in full of Ordinance 4870. The motion carried unanimously.

A motion was then offered by Councilor Kleeburg and seconded by Councilor Forsmann to approve the second and third readings of Ordinance 4870, which carried unanimously.

ORDINANCE 4870: "AN ORDINANCE OF THE CITY OF LEWISTON REPEALING AND RESERVING SECTION 8-9 OF THE LEWISTON CITY CODE REGARDING ANIMAL CRUELTY, AMENDING SECTION 8-11 TO REMOVE UNNECESSARY DEFINITIONS, AMENDING SECTION 8-33 TO REMOVE PROVISIONS REGARDING CRUELTY OF DOGS, AMENDING SECTION 8-43(b) TO REMOVE A REFERENCE TO SECTION 8-9, AND PROVIDING AN EFFECTIVE DATE"

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

a. ***Ordinance 4870*** – Action Item

b. ***Ordinance 4874*** – Action Item

Councilor Schroeder moved and Councilor Forsmann seconded the adoption of Ordinances 4870 and 4874 and approval of the related Ordinance Summaries. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Kleeburg; Schroeder; Spickelmire; Tousley. VOTING NAY: None.*

VI. *ITEMS MOVED FROM THE CONSENT AGENDA*

VII. 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 Tousley said it is nice to be home to four seasons after traveling to Michigan where he experienced about 3 hours of sunshine in 6 days and to Arizona where he saw nothing but sunshine.

Councilor Forsmann announced that she was not texting during the meeting, but rather utilizing her phone to access the agenda as her iPad was not working.

B. CITY BOARDS AND COMMISSION LIAISON UPDATES

None.

C. MAYOR COMMENTS

Mayor Johnson welcomed Peer Ali, a foreign exchange student from Pakistan, to this evening's meeting.

D. ADVISORY BOARD OR COMMISSION APPOINTMENTS

1. *HISTORIC PRESERVATION COMMISSION*: *Considering the appointment of Kayleigh Philippi*

   Mayor Johnson moved to appoint Kayleigh Philippi to the Historic Preservation Commission. Councilor Schroeder provided a second and the motion carried unanimously.

2. *PLANNING & ZONING COMMISSION*: *Considering the appointment of Maurine Anderson.*

   It was moved by Mayor Johnson to appoint Maurine Anderson to the Planning & Zoning Commission. Council President Liedkie provided a second and it carried 6 to 0.

E. AGENDA TOPICS

Council President Liedkie said she appreciates that the Council will soon review a facilities report to look at deferred maintenance. She asked that a review of City land and building assets also be scheduled for future discussion.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Schroeder and Tousley moved and seconded, respectively, adjournment of the February 13, 2023, Regular meeting at 7:36 p.m.