*November 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 PM.

## 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

Don Brigham, a resident of Clarkston, spoke in support of Resolution 2023-56 that acknowledges a gift of land to the Ruth Rowell Modie Wildlife Park.

Jud Taylor, a resident of Lewiston, informed Council that he spoke at the public hearing for VA-02-2023, which vacated a section of the Bryden Avenue public right-of-way at 18th Street, and is still in favor of vacating the entire portion. Mr. Taylor encouraged the Mayor, City Council and City staff to look at the area to see what the options are.

Mike Dancy, a resident of Lewiston, expressed agreement with Mr. Taylor's comments.

## IV. PUBLIC HEARINGS AND RELATED ACTION ITEMS

A. **PUBLIC HEARING: ANX23-3, CPA23-4, AND ZNC23-6:** Accepting testimony on a request from DK Holdings, LLC to annex approximately 39.62 acres, known as parcel RP000940010000 or Lots 1, 2, 3, 4, 5, 6, and 7 of Block 94, Lewiston Orchards Tract No. 12, assign it a Comprehensive Plan Land Use Designation of Low Density Residential, and rezoning the property subject to annexation identified above from Area of City Impact (Nez Perce County) Farm (F-1) Zone as well as an adjacent undeveloped parcel to the south within City limits, known as RPL00950010000 or Lots 1, 2, and 3 of Block 95, Lewiston Orchards Tract 12 to Low Density Residential (R-2) Zone and amend the Lewiston Area of City Impact accordingly

Mayor Johnson announced the subject of the public hearing, explained the public hearing process, opened the public hearing and asked for the staff report.

Assistant Planner Hollingshead summarized the requests from DK Holdings, LLC, provided maps and showed pictures of the subject property. She explained the Planning and Zoning Commission held a public hearing regarding the requests on September 27, 2023 and recommended approval of the applications to the City Council. Concluding her report, Assistant Planner Hollingshead noted that two emails were received from citizens regarding the public hearing and distributed to the Mayor, Council and staff prior to the meeting (Attachment A).

Applicant Dan Yonge, DK Holdings LLC, explained that he is annexing the parcel into the city in order to develop the property and utilize the city services. He worked with staff to meet the subdivision standards and his goal is to build single-family residential houses.

Jud Taylor, a resident of Lewiston, expressed concern about an increase in traffic on 18th Street.

Mike Dancy, a resident of Lewiston, asked for clarification of the property lines and questioned what utilities are located in the area.

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

**B.** **ORDINANCE 4901 - FIRST READING:** Considering implementing the City Council's decision in ANX23-3 to annex land into the Lewiston City limits - Action Item

Councilors Tousley and Schroeder moved and seconded, respectively, to approve the first reading of Ordinance 4901. The motion passed 6-0.

**ORDINANCE 4901:** AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ANX23-3 TO ANNEX LAND INTO THE LEWITON CITY LIMITS, AND PROVIDING AN EFFECTIVE DATE.

**C.** **ORDINANCE 4902 - FIRST READING:** Considering implementing the City Council's decision in ZNC23-6, declaring that certain newly-annexed real property be included in the City of Lewiston Low Density Residential (R-2) Zone; declaring that certain real property be removed from the Suburban Residential (R-1) Zone to the Low Density Residential (R-2) Zone and amending the official zoning map of the City of Lewiston - Action Item

Councilors Schroeder and Spickelmire moved and seconded, respectively, to approve the first reading of Ordinance 4902. The motion passed 6-0.

**ORDINANCE 4902:** AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC23-6, DECLARING THAT CERTAIN NEWLY-ANNEXED REAL PROPERTY BE INCLUDED IN THE CITY OF LEWISTON LOW DENSITY RESIDENTIAL (R-Q) ZONE; DECLARING THAT CERTAIN REAL PROEPRTY BE REMOVED FROM THE SUBURBAN RESIDENTIAL (R-1) ZONE TO THE LOW DENSITY RESIDENTIAL (R-2) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE.

**D. ORDINANCE 4903 - FIRST READING:** Considering amending Section 39-1 of the Lewiston City Code to update the City of Lewiston Area of City Impact Boundary Map - Action Item

Councilors Liedkie and Schroeder moved and seconded, respectively, to approve the first reading of Ordinance 4903. The motion passed 6-0.

**ORDINANCE 4903:** 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.

**E. PUBLIC HEARING: ZA-01-23:** Accepting testimony on a proposal to amend Section 37-183 of the Lewiston City Code related to the duties of the Planning and Zoning Commission; Section 37-184 regarding the conduct of public hearings; repealing and replacing Section 37-185 regarding actions after final decisions of the Planning and Zoning Commission and/or the City Council; and Section 37-192 amending the deadline to file an appeal

Mayor Johnson announced the subject of the public hearing, explained the public hearing process and opened the public hearing.

Assistant Planner Hollingshead summarized the zone amendment, which was initiated by the Planning and Zoning Commission to amend various sections in Chapter 37 of the Lewiston City Code to eliminate conflict and confusion in the public hearing process code provisions, to include a provision regarding public hearing disruption, and to clarify the appeal process. The Planning and Zoning Commission held a public hearing regarding the amendment on October 11, 2023 and recommended approval to City Council.

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

F. **ORDINANCE 4891 - FIRST READING:** Considering amending Section 37-183 of the Lewiston City Code related to the duties of the Planning and Zoning Commission; amending Section 37-184 regarding the conduct of public hearings; repealing and replacing Section 37-185 regarding actions after final decisions of the Planning and Zoning Commission and/or the City Council; and amending the deadline to file an appeal in Section 37-192 - Action Item

Councilors Forsmann and Schroeder moved and seconded, respectively, to approve the first reading of Ordinance 4891. The motion passed 6-0.

**ORDINANCE 4891:** AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 37-183 RELATED TO THE DUTIES OF THE PLANNING AND ZONING COMMISSION; AMENDING SECTION 37-184 REGARDING THE CONDUCT OF PUBLIC HEARINGS; REPEALING AND REPLACING SECTION 37-185 REGARDING ACTIONS AFTER FINAL DECISIONS OF THE PLANNING AND ZONING COMMISSION AND/OR THE CITY COUNCIL; AMENDING THE DEADLINE TO FILE AN APPEAL IN SECTION 37-192; AND PROVIDING AN EFFECTIVE DATE.

G. **PUBLIC HEARING: 2022 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT:** Accepting testimony on the Consolidated Annual Performance and Evaluation Report for the City of Lewiston's Community Development Block Grant 2022 Program Year

Mayor Johnson announced the subject of the public hearing, explained the public hearing process and opened the public hearing.

Community Development Supervisor Ortiz explained that the 2022 Consolidated Annual Performance and Evaluation Report covers the outcomes and accomplishments of the City's Community Development Block Grant program from August 1, 2022 to July 31, 2023. The report provides information that allows the U.S. Department of Housing and Urban Development, local officials and citizens to assess the use of available resources and to assess the efforts made to achieve the goals and objectives identified in the Consolidated Plan and Annual Action Plan.

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

H. **2022 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT:** Considering approval of the 2022 Consolidated Annual Performance and Evaluation Report for the City of Lewiston's Community Development Block Grant Program - Action Item

Councilors Liedkie and Tousley moved and seconded, respectively, to approve the 2022 Consolidated Annual Performance and Evaluation Report. The motion passed 6-0.

I. **PUBLIC HEARING: ESTABLISHING CERTAIN PUBLIC WORKS FEES:** Accepting testimony to consider establishing fees for issuing notice of public hearings on vacation applications

Mayor Johnson announced the subject of the public hearing, explained the public hearing process and opened the public hearing.

Public Works Director Johnson summarized that the fees associated with publishing and mailing public hearing notices, related to vacation petitions, were not being assessed as intended. Approval of Resolution 2023-59 would amend the fees previously approved by Resolution 2023-41 and establish the cost of publishing notices for a vacation petition be at the expense of the petitioner, in accordance with the Idaho Statute and City Code.

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

J. **RESOLUTION 2023-59:** Considering restating fees for vacations of public rights-of-way, easements, and plats; encroachment permits; right-of-way permits; subdivision filings; applications for wireless communication facilities located in public rights-of-way; appeals of written orders or decisions of the Public Works Department or Public Works Director; parade and public assembly applications; and establishing fees for issuing notice of public hearings on vacation applications - Action Item

Councilors Liedkie and Forsmann moved and seconded, respectively, approval of Resolution 2023-59. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

## 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 from the Consent Agenda.

Councilors Schroeder and Liedkie moved and seconded, respectively, adoption of Consent Agenda Items A, B, and D. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

A. **CITY COUNCIL MINUTES:** 10/23/2023 Regular - Action Item

B. **ADVISORY BOARD/COMMISSION MINUTES:** 9/9/2023 Library Board of Trustees; 9/7/2023 Historic Preservation Commission - Action Item

D. **FISCAL YEAR 2024 CERTIFICATE OF COMPLIANCE FOR EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE:** Considering approval of the Certificate of Compliance for Emergency Ambulance Service and Nonemergency Ambulance Service for Fiscal Year 2024 - Action Item

## VI. ACTIVE AGENDA

A. **PRELIMINARY PLAT - CANYON CREST SOUTH ADDITION:** Considering the subdivision of approximately 9.4 acres of undeveloped property located on the east side of 18th Street, and north of Airway Avenue, into 56 lots, conditioned upon approval of VA-02-2023, and approving the related reasoned statement - Action Item

Mayor Johnson called a short recess at 6:56 p.m. to allow review of the reasoned statement. The City Council meeting was reconvened at 7:01 pm.

Councilors Schroeder and Spickelmire moved and seconded, respectively, to approve the preliminary plat for the Canyon Crest South Addition, conditioned upon the developer complying with the requirements of VA-02-2023, and the related reasoned statement. The motion passed 5-1 with Councilor Forsmann opposed.

B. **BUSINESS IMPROVEMENT DISTRICT 2024 WORK PLAN:** Considering approval of the proposed 2024 Business Improvement District Work Plan - Action Item

Councilors Schroeder and Spickelmire moved and seconded, respectively, to approve the Business Improvement District 2024 Work Plan. The motion carried 5-1 with Council President Liedkie opposed.

C. **RESOLUTION 2023-56:** Considering the approval of Resolution 2023-56 expressing support for and acknowledging the gift of 19.5 acres of land to be added to the Ruth Rowell Modie Wildlife Park by Kent Randall and Sara Ghisletta, which will be held in trust by the Modie Park Conservancy, Inc. - Action Item

Councilors Forsmann and Kleeburg moved and seconded, respectively, approval of Resolution 2023-56. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

D. **CHANGE ORDER NO. 3 FOR DOWNTOWN TRANSMISSION MAIN REPLACEMENT ALN.21.027 (IFB-23-004):** Considering approval of Change Order No. 3 for the Downtown Transmission Main Replacement ALN.21.027 (IFB-23-004) for $14,000 and authorizing the Mayor to execute the change order - Action Item

Councilors Tousley and Forsmann moved and seconded, respectively, approval of Change Order No. 3 between the City of Lewiston and LaRiviere, Inc. and authorized the Mayor to sign said Change Order. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

**E. THE INTERLOCAL PURCHASING SYSTEM (TIPS) PURCHASING COOPERATIVE MEMBERSHIP:** Considering approval of a membership with The Interlocal Purchasing System (TIPS) and authorizing the Mayor to execute the agreement between Region 8 Education Service Center, which provides cooperative purchasing services through TIPS, and the City of Lewiston - Action Item

Councilors Liedkie and Tousley moved and seconded, respectively, to approve the Interlocal Agreement between the City of Lewiston and Region 8 Education Service Center for membership with The Interlocal Purchasing System (TIPS). *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

**F. ORDINANCES**

**1. FIRST READING**

**a. ORDINANCE 4908:** Considering amending Chapter 35 of the Lewiston City Code to allow the Community Development Department to issue parking tickets - Action Item

Councilors Forsmann and Schroeder moved and seconded, respectively, to approve the first reading of Ordinance No. 4908. The motion passed 6-0.

**ORDINANCE 4908:** AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 35-80 AND 35-81 OF THE LEWISTON CITY CODE TO GIVE THE COMMUNITY DEVELOPMENT DEPARTMENT THE AUTHORITY TO ISSUE CITY PARKING TICKETS, AND PROVIDING AN EFFECTIVE DATE.

**2. SECOND/THIRD READINGS**

**a. ORDINANCE 4896:** Considering repealing Section 37-159.1 of the Lewiston City Code titled "Setback from Overhead Electrical Transmission Lines" and reserving such section - Action Item

Councilors Forsmann and Liedkie moved and seconded, respectively, to combine the second and third readings and waive the third reading in full of Ordinance No. 4896. The motion passed 6-0.

Councilors Forsmann and Liedkie moved and seconded, respectively, to approve the second and third readings of Ordinance No. 4896. The motion

passed 6-0.

**ORDINANCE 4896:** AN ORDINANCE OF THE CITY OF LEWISTON REPEALING SECTION 37-159.1 OF THE LEWISTON CITY CODE TITLED "SETBACK FROM OVERHEAD ELECTRICAL TRANSMISSION LINES" AND RESERVING SUCH SECTION, AND PROVIDING AN EFFECTIVE DATE.

3. **ADOPTION**

a. **ORDINANCE 4896:** - Action Item

Councilors Forsmann and Liedkie moved and seconded, respectively, to adopt Ordinance No. 4896. *ROLL CALL VOTE: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

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

C. **VOUCHER'S PAYABLE:** Considering approval of the Voucher's Payable dated 10/06/2023 - 10/19/2023 in the amount of $2,710,783.27 and Voucher's Payable dated 10/20/2023 - 11/02/2023 in the amount of $2,035,954.23 - Action Item

Councilor Forsmann asked Police Chief Kuzik regarding the $500 purchase to A Child is Missing, Inc. related to renewal fees. Police Chief Kuzik clarified it is a statewide program the Police Department annually participates in.

Council President Liedkie asked Community Development Director Grow about the scanner that was purchased for $7,045.00. Community Development Director Grow clarified that the scanner was purchased in order for the department to scan and digitize all the rolled plans located in the basement of the building.

Councilors Tousley and Forsmann moved and seconded, respectively, approval of the Voucher's Payable. *ROLL CALL: VOTING AYE: Liedkie; Tousley; Forsmann; Schroeder; Kleeburg; Spickelmire. VOTING NAY: None.*

## 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 thanked all the Avista workers that helped with the natural gas outage, thanked veterans and those currently serving, and congratulated the candidates who were elected to council. Councilor Forsmann also thanked all the candidates that ran for council and noted she enjoyed attending the Veterans Day Parade.

Councilor Spickelmire agreed that the Veterans Day Parade was really nice and gave a shout out to the volunteers lighting the Locomotive Park.

Councilor Kleeburg also thanked all the Avista workers who came in from out of town and helped the community during the natural gas outage.

Councilor Tousley reminded people to call 811 before digging.

Council President Liedkie reminded all to take a moment to remember the four University of Idaho students, Madison Mogen, Ethan Chapin, Xana Kernodle and Kaylee Goncalves, who were murdered in November 2022 in Moscow.

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

Councilor Forsmann provided an update on the Public Works Advisory Commission and encouraged the community to attend meetings.

Councilor Kleeburg informed Councilors that the Lewis Clark Valley Metropolitan Planning Organization (LCVMPO) was awarded $160,000 from the Safe Streets for All program and are planning on using the funds for a regional safety action plan.

**C. MAYOR COMMENTS**

Mayor Johnson gave a shout out to Fire Chief Rightmier and Public Information Officer Maurer for keeping everyone updated, as well as the other staff for all their work during the natural gas outage.

**D. ADVISORY BOARD AND COMMISSION APPOINTMENTS:** - Action Item

1. **CEMETERY AND URBAN FORESTRY COMMISSION:** Considering the appointment of Richard (Brian) Hensley to a three-year term - Action Item

   Mayor Johnson moved to approve the appointment of Richard (Brian) Hensley to the Cemetery and Urban Forestry Commission. Councilor Kleeburg seconded and the motion passed 6-0.

2. **PLANNING AND ZONING COMMISSION:** Considering the recommendation of the Planning and Zoning Commission to remove Justin Merwin from the Commission for absenteeism in accordance with Sections 2-42 (b) and 2-45 of the Lewiston City Code - Action Item

Mayor Johnson moved to remove Justin Merwin from the Planning and Zoning Commission. Councilor Forsmann seconded and the motion passed 6-0.

**E. AGENDA TOPICS:** - Action Item

**IX. ADJOURNMENT** - Action Item

There being no further business to come before the Lewiston City Council, Councilors Kleeburg and Tousley moved and seconded, respectively, to adjourn the November 13, 2023 Regular Session. The motion carried 6-0 and the meeting adjourned at approximately 7:48 p.m.

CITY OF LEWISTON SEAL STATE OF IDAHO

Daniel G. Johnson, Mayor

Tanya M. Brocke, City Clerk

**ATTACHMENT A**

Lewiston

Tanya Brocke <tbrocke@cityoflewiston.org>

# Testimony for Public Actions: ANX23-3, CPA23-4, and ZNC23-6 All By DK Holdings, LLC

**STEVEN R CYNTHIA M.** <stmoore_1@msn.com> Sun, Nov 5, 2023 at 2:41 PM
To: "tbrocke@cityoflewiston.org" <tbrocke@cityoflewiston.org>

Tanya Brocke

City Clerk

City Of Lewiston

Dear Tanya,

I am Steven Moore and live at 3404 17th Street in Lewiston with my wife Cynthia. We own the property to the West of applications NX23-3, CPA23-4, and ZNC23-6. We are in favor of the requests by DK Holdings to annex into the City of Lewiston the properties under NX23-3 and CPA23-4. We are also in favor of rezoning all three applications to low density residential (R2).

Please call if you have any questions, 208-790-8848 (Steven), 208-305-3910 (Cynthia).

Sincerely,

Steven and Cynthia Moore

Lewiston

Tanya Brocke <tbrocke@cityoflewiston.org>

# Re ANX23-3 & CPA 23-4

1 message

**Gayle Favor** <favorgn43@gmail.com>
To: tbrocke@cityoflewiston.org

Wed, Nov 8, 2023 at 8:07 PM

Quesrion…
With regards to the requested annexation by DK Holdings, I am concerned about the access in and out of this proposed development. 18th St is already excessively busy with traffic from the Canyon Crest development. Will Airway and Bryden Avenues be extended to 16th St. ? Gayle Favor, 1804 Imnaha Ln., Lewiston I'd
Sent from my iPhone