

JANUARY 11, 2021

THE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, January 11, 2021, at the Lewiston City Library, 411 D Street. Mayor Collins called the meeting to order at 6:00 p.m.

I. ROLL CALL

Councilors Present: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner.

II. PLEDGE OF ALLEGIANCE

Mayor Collins led the Pledge of Allegiance.

III. CITIZEN COMMENTS: *Provides an opportunity for citizens to address the council on agenda items or other items they wish to bring to the attention of the council. Citizens are encouraged to discuss operational issues in advance with the city manager. In consideration of others wishing to speak, please limit your remarks to three minutes.*

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. PUBLIC HEARING - HISTORIC DISTRICT - APPEAL FEE: *Accepting testimony on a request to establish an appeal fee for the Historic Preservation Commission's decision regarding an application for a Certificate of Appropriateness (Hollingshead)*

It was announced by Mayor Collins that this was the time and place advertised for the public hearing regarding the Historic District Appeal Fee. He opened the hearing and asked that a staff report be provided.

Assistant Planner Hollingshead explained the proposed appeal fee of \$76.69 is to appeal a decision of the Historic Preservation Commission regarding an application for a Certificate of Appropriateness to the Lewiston City Council.

Mayor Collins asked for testimony either in favor of or against the proposed appeal fee. There being none, he closed the public hearing.

B. PUBLIC HEARING: ZA-02-02 - NONCONFORMING USES: *Accepting testimony on a proposed amendment to Section 37-167 of the Lewiston City Code related to nonconforming uses (Hollingshead)*

Noting this as the time and place advertised for the public hearing regarding ZA-02-02, Mayor Collins opened the hearing and requested a report from staff.

Assistant Planner Hollingshead reported that the Zoning Code amendment proposal was considered and recommended for approval by the Planning & Zoning Commission on December 9, 2020. Zoning Code Section 37-167 allows for the continuance of a nonconforming use but specifies that discontinuance of a nonconforming use for longer than 12 months requires subsequent use to conform to the Zoning Code. However, Idaho Code Section 67-6538 allows discontinuance of improvements related to a nonconforming use for up to 10 years. ZA-02-20 clarifies that Idaho Code supersedes the Zoning Code, relative to the discontinuance of property improvements related to a nonconforming use via proposed Ordinance 4796.

Testimony both in favor and in opposition was sought by Mayor Collins. There was none and the hearing was closed.

- C. **PUBLIC HEARING - ZA-03-20 - PUD FEES:** *Accepting testimony on a recommendation to remove the Planned Unit Development fees remaining in the Zoning Code, in favor of them being included in the Community Development Department Fee Resolution (Plaskon)*

Upon noting that this was the time and place advertised for the public hearing regarding ZA-03-20, Mayor Collins opened the public hearing. He asked that a staff report be provided.

City Planner Plaskon indicated that when the Community Development Department moved establishment of its fees out of City Code, it inadvertently left the fees for reviews of Planned Unit Development Detailed Development Plans and for applications to amend a Planned Unit Development in the Zoning Code. Other service fees charged by the Department are now established by Resolution, which is a less cumbersome process, but still governed by Idaho Code. ZA-03-20 would simply remove the above-mentioned PUD fees from the Zoning Code so that they can, instead, be included in the Community Development Department fee Resolution. The Council has already approved amended fee Resolution 2020-4, which says that the amendments will become effective upon approval of related Ordinance 4797.

There was no public testimony provided and Mayor Collins closed the public hearing.

V. **CONSENT AGENDA**

Mayor Collins 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 Bradbury asked that Items C through F be moved from the Consent Agenda to Item I under the Active Agenda.

Mayor Pro Tem Schroeder and Councilor Miller moved and seconded, respectively, adoption of the Consent Agenda as amended. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- A. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** 11/18/20 Library Board; 10/28/20 and 11/10/20 Planning & Zoning Commission - Action Item
- B. **PRELIMINARY PLAT - VALLEY VISTA HEIGHTS, BLOCK 17 EXTENSION REQUEST:** *Considering approval of a 6-month extension to the Valley Vista Heights, Block 17, Preliminary Plat, with a new deadline of August 24, 2021 - Action Item (Weigand)*
- C. **BID AWARD - IFB-21-001 - THAIN ROAD, STEWART TO CEDAR:** *Considering award of the bid for IFB-21-001 KN22075 Thain Road, Stewart to Cedar, to Knife River Corporation - Mountain West, in the amount of \$183,183.00 - Action Item (Bailey) - Moved to the Active Agenda*
- D. **CATERPILLAR 304E2 COMPACT EXCAVATOR PURCHASE:** *Considering the purchase of one Caterpillar 304E2 Compact Excavator from Western States Construction in the amount of \$52,743.40 - Action Item (Davies) - Moved to the Active Agenda*
- E. **CATERPILLAR 420F2IT BACKHOE LOADER PURCHASE:** *Considering the purchase of one Caterpillar 420F2IT Backhoe Loader from Western States Equipment in the amount of \$120,262.10 - Action Item (Davies) - Moved to the Active Agenda*
- F. **VOUCHERS PAYABLE:** 11/26/20 through 12/10/20 - \$2,505,016.46; 12/11/20 through 12/23/20 - \$2,021,029.84 - Action Item - Moved to the Active Agenda

VI. **ACTIVE AGENDA**

A. **ORDINANCES**

1. **First Reading**

- a. **Ordinance 4796:** *Amending Section 37-167 of the Lewiston City Code related to nonconforming uses - Action Item (Hollingshead)*

Mayor Pro Tem Schroeder moved to read Ordinance 4796 for the first time by title only. The motion was seconded by Councilor Kelly and carried unanimously.

ORDINANCE 4796: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 37-167 OF THE LEWISTON CITY CODE RELATED TO NONCONFORMING USES, AND PROVIDING AN EFFECTIVE DATE"

- b. Ordinance 4797: *Amending Sections 37-97(c)(1) and (d)(2) of the Lewiston City Code to remove Planned Unit Development fees and add that such fees shall be set by Resolution of the City Council - Action Item (Plaskon)*

It was moved by Mayor Pro Tem Schroeder and seconded by Councilor Pernsteiner to approve the first reading of Ordinance 4797 by title only. The motion carried 7 to 0.

ORDINANCE 4797: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 37-97(c)(1) AND (d)(2) OF THE LEWISTON CITY CODE TO REMOVE PLANNED UNIT DEVELOPMENT FEES AND ADD THAT SUCH FEES SHALL BE SET BY RESOLUTION OF THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE"

2. Second and Third Readings

- a. Ordinance 4798: *Amending, enacting, repealing and renumbering various sections in Chapter 19.5 of the Lewiston City Code related to Historic Districts; amending Section 2-188(d) to delete references to Chapter 19.5; amending Section 30-5 to correct references to Chapter 19.5 - Action Item (Plaskon)*

It was moved by Councilor Pernsteiner and seconded by Councilor Blakey to combine the second and third readings and waive the third reading in full of Ordinance 4798. The motion carried unanimously.

Councilor Blakey moved and Mayor Pro Tem Schroeder seconded the second and third readings of Ordinance 4798 by title only. The motion carried unanimously.

ORDINANCE 4798: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING, ENACTING, REPEALING AND RENUMBERING VARIOUS SECTIONS IN CHAPTER 19.5 OF THE

LEWISTON CITY CODE RELATED TO HISTORIC DISTRICTS; AMENDING SECTION 2-188(d) TO DELETE REFERENCES TO CHAPTER 19.5; AMENDING SECTION 3-5 TO CORRECT REFERENCES TO CHAPTER 19.5; AND PROVIDING AN EFFECTIVE DATE”

- b. **Ordinance 4800**: *Implementing the City Council’s decision in ZNC20-000005, declaring that certain real property be removed from the Agricultural Transitional (F-2) Zone and included in the Suburban Residential (R-1) Zone - Action Item (Plaskon)*

A motion was offered by Mayor Pro Tem Schroeder and seconded by Councilor Pernsteiner to combine the second and third readings and waive the third reading in full of Ordinance 4800. The motion carried 7 to 0.

Mayor Pro Tem Schroeder and Councilor Pernsteiner then moved and seconded, respectively, to read Ordinance 4800 for the second and third times by title only.

Mayor Pro Tem Schroeder asked if this proposed zone change is located within the airport’s area of impact. City Planner Plaskon replied that it is within one of the subzones of the airport influence area. He noted that the rezone doesn’t substantially change the types of land uses allowable on the subject property, but it does increase the property density which is less than the surrounding neighborhood. Staff is working on drafting new regulations for zoning around the airport and a larger, more comprehensive, package will be coming to the Council for review later this year.

The motion to read carried unanimously.

ORDINANCE 4800: “AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL’S DECISION IN ZNC20-000005, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE AGRICULTURAL TRANSITIONAL (F-2) ZONE AND INCLUDED IN THE SUBURBAN RESIDENTIAL (R-1) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE”

3. **Third Reading**

- a. **Ordinance 4760**: *Repealing and replacing Chapter 21 of the Lewiston City Code regarding business licenses; repealing Chapter 34*

*of the Lewiston City Code regarding taxicabs and vehicles for hire –
Action Item (Stricker)*

Councilor Pernsteiner moved and Mayor Pro Tem Schroeder seconded to waive the third reading in full of Ordinance 4760. The motion carried 7 to 0.

Councilor Pernsteiner noted that he previously tabled Ordinance 4760. City staff reached out to him several times last week, but he said he was unable to get the proposed changes made. The nature of the change previously discussed was in regard to the appeal process for a business license. Currently the appeal goes to the Community Development Director and then onto the City Manager. Councilor Pernsteiner said he proposed that all appeals ultimately end up with the City Council as an option. After speaking with staff today, it was determined there are two options: the Council could table this Ordinance to the next regular meeting so staff could make these changes; or the Council could approve the Ordinance as is and direct staff to begin review of a broader appeals process that would deal with all appeals for Community Development. Councilor Pernsteiner said his preference is to table the ordinance to the end of the month.

Mayor Collins said he believes it would be in the city's best interest to have all of the appeal processes consistent. He noted he would be good with either recommendation.

Councilor Bradbury agreed, noting that he believes the Council could vote on this ordinance this evening and review all appeal processes in the future.

City Manager Nygaard suggested Ordinance 4760 be voted on this evening and then staff can look at the appeals processes for all appeals in the future in an effort to make them consistent.

Councilor Pernsteiner moved to table the third reading of Ordinance 4760 to January 25, 2021, with staff to make the proposed amendments which will include a final appeal process to City Council. Councilor Bradbury provided a second.

Mr. Pernsteiner said he believes the process should include the Community Development Director, City Manager and finally the City Council. In most cases, the majority of the appeals would be resolved before reaching the Council.

The motion to postpone carried unanimously.

ORDINANCE 4760: "AN ORDINANCE OF THE CITY OF LEWISTON REPEALING AND REPLACING CHAPTER 21 OF THE LEWISTON CITY REGARDING BUSINESS LICENSES, REPEALING CHAPTER 34 OF THE LEWISTON CITY CODE REGARDING TAXICABS AND VEHICLES FOR HIRE; AND PROVIDING AN EFFECTIVE DATE" - *Third reading postponed to January 25, 2021*

4. Adoption and Approval of Ordinance Summaries

- a. Ordinance 4798 - Action Item
- b. Ordinance 4800 - Action Item
- c. Ordinance 4760 - Action Item - Postponed to January 25, 2021

Following a motion and second from Mayor Pro Tem Schroeder and Councilor Kelly, respectively, Ordinances 4798 and 4800 were adopted. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

B. REASONED STATEMENT - ZNC20-000005: - Action Item (Plaskon)

A motion was made by Councilor Blakey to approve the Reasoned Statement as written. Mayor Pro Tem Schroeder provided a second. The motion carried 7 to 0.

C. RESOLUTION 2021-1: *Considering the establishment of a fee for appealing the Historic Preservation Commission's decision regarding an application for a Certificate of Appropriateness* - Action Item (Hollingshead)

Mayor Pro Tem Schroeder moved and Councilor Miller seconded approval of Resolution 2020-1. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

D. RESOLUTION 2021-4: *Considering the creation of a Downtown/Normal Hill Urban Renewal Area* - Action Item (Von Tersch)

Community Development Director Von Tersch explained that the creation of a Downtown/Normal Hill Urban Renewal Area would achieve community-wide financial support for a trunk line on Main Street, could be a source of income for downtown improvements, could assist with utilities and parking for the court house, and could assist in dealing with derelict

properties. The priority projects would include the water line, wayfinding to the downtown district and levy system and the findings for deteriorated or deteriorating properties.

Mayor Pro Tem Schroeder and Mayor Collins moved and seconded, respectively, to approve Resolution 2020-4.

Councilor Bradbury stated he opposes this Resolution, noting there is an argument being made to the Supreme Court on Friday as it allows non-elected individuals to spend money. He said he has no confidence in the URA's judgement and approval would set up a mechanism that avoids the peoples' rights to vote on multi-million dollar projects. Councilor Bradbury said he believes this is a terrible plan for representative government, and is bad economically and democratically. He said he believes the cost to replace the water pipes on Main Street should have been included in the bond levy that went to the voters.

Councilor Blakey explained the 7 councilors are voted in to represent the voters. The job of the Urban Renewal Agency is to present a plan to the Council which is then voted on. The URA merely acts as the bank and implements the projects per the instructions of the Council.

Councilor Bradbury said there are only two representatives from the city on the URA Board and one is not elected. He reiterated that URA projects avoid the right of the people to vote and have a say on how their money should be spent.

Councilor Miller said what is being presented this evening is one tool available to the Council to replace the water pipes. She questioned another viable solution if this is not what Councilor Bradbury believes is the best option.

Councilor Blakey noted that members of the public are welcome to attend URA meetings, as well as come to Council meetings, noting that comments regarding the public being cut out of the picture are foolish. He said there are two elected officials on the URA, both city and county, and the representative from Nez Perce County voted in favor of the district creation. Councilor Blakey encouraged the Council to vote in favor.

Councilor Bradbury stressed that the Council is elected to take care of the city's problems, to raise money and then decide how that money should be spent. If the Council exercised fiscal discipline, then the project could be completed.

Mayor Pro Tem Schroeder called for the question. The motion was seconded by Councilor Blakey and carried unanimously.

The motion on the floor carried 5 to 2. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller. VOTING NAY: Bradbury; Pernsteiner.*

E. LINDSAY CREEK ESTATES DEVELOPER INCENTIVE PROGRAM APPLICATION: *Considering the approval or denial of Mr. Shann Profitt's application requesting a waiver of building permit fees for Lindsay Creek Estates - Action Item (Stricker)*

Business Licensing Coordinator Stricker explained that Shann Profitt submitted an application for the Developer Incentive Program requesting a waiver of building permit fees in recognition of his investment in Lindsay Creed Estates, an 84-unit subdivision planned for an undeveloped tract of land on the east side of 21st Street between Grelle and Powers Avenues. Ms. Stricker noted that the evaluation included several conversations with Mr. Profitt to clarify which elements of the development, if any, would meet the eligibility qualifications of the Developer Incentive Program. He noted storm water abatement; improved roads, sidewalks, curbs and gutters; fiber optic internet; and Community building. Staff has reviewed the application and planned scope of work, and at this time cannot recommend approval as it does not meet the requirements of the incentive program.

In response to a question raised by Councilor Bradbury, Ms. Stricker explained there are multiple eligibility requirements Mr. Profitt did not comply with. For example, she noted the figure he provided for capital investment is below the minimum \$5 million qualification for undeveloped land. Continuing, Ms. Stricker explained the Program is intended to provide incentive for developers as well as provide a public benefit. The components of Mr. Profitt's development don't include anything that would benefit the public, but rather only the residents of his project. Mr. Profitt listed curb, sidewalks and gutter, as well as stormwater abatement on his incentive application, but these are minimum requirements for his development.

In looking at both sections of the Code referring to the incentive program, Councilor Bradbury said he hasn't found anything Mr. Profitt has complied with. Community Development Director Von Tersch indicated that Mr. Profitt reported his investment would be \$2 million. This program, by ordinance, requires an investment of \$5 million.

Discussion amongst the Councilors was held regarding the fact this is an incentive program. Though Mr. Profitt has met the requirements of the city for his development, the application for a waiver of fees does not meet

the criteria within the program. Councilor Miller added that the Community Development Department has improved over the past few years and she has heard a lot of great things about working with them. The Council should not be in the business of insulting staff at a public meeting but focus on the issues before them.

A motion to deny Mr. Profitt's developer incentive program application was offered by Councilor Pernsteiner and seconded by Councilor Blakey.

Councilor Bradbury said that the Council has complained about the fact that the community building would only be available to those within the development. The agreement requires the developer to construct an ADA compliant community building for the residents of the development and to expect anything more would be a violation and breach of the contract between the city and Mr. Profitt. Councilor Bradbury said if ever there is evidence that Lewiston and the Community Development Department are hostile to do business with, this is a good example. This is an area that desperately needs housing and Mr. Profitt has complied to everything the city is requiring of him. Mr. Bradbury said he understands why people go to Asotin, Clarkston and Moscow, for example, to do business as he can't imagine anybody wanting to do business in Lewiston.

Councilor Miller indicated there was a great deal of opposition regarding Mr. Profitt's proposed PUD. The Council deliberated extensively before voting on the issue. Before the council this evening is an application for the Developer Incentive Program. Though Mr. Profitt has a great project that will benefit the aging community, it has not proven to go above and beyond as required under the program.

Councilor Pernsteiner stressed that Councilor Bradbury's comments regarding the Community Development Department are outright shameful and his recollection of the process for approving Mr. Profitt's development is highly inaccurate. There were many neighbors who came to the meetings to express their displeasure with the project and a petition was presented in opposition. To say the project was a slam dunk and the only thing that held it up was Community Development is untrue. Mr. Pernsteiner reiterated his belief that it is a shameful act to flat out speak mistruths about the process. Tonight Council is addressing an incentive program and Mr. Profitt has done nothing to demonstrate he meets the guidelines of that program.

Mayor Pro Tem Schroeder said she supports Mr. Profitt's project, but noted it does not meet the requirements of the incentive program.

Councilor Blakey asked Councilor Bradbury if he does not remember the citizens against Mr. Profitt's development took it to court and city staff worked with the applicant's attorney to come to a resolution. Mr. Blakey stated it is totally inappropriate to attack Community Development. He noted he cannot support the application this evening but would encourage Mr. Profitt to come back in the future with another plan.

Councilor Pernsteiner called for the question. Mayor Pro Tem Schroeder provided a second and it carried 6 to 1 with Councilor Bradbury voting nay.

ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury.

- F. **UTILITY SHUT-OFF NOTICES:** *Considering directing the Director of Civil Defense to issue an order pursuant to Lewiston City Code 12-22 to suspend City resolutions regarding utility late fees until March 20, 2021 - Action Item (Nygaard)*

City Manager Nygaard said the Council received a copy of the proposed order to modify the utility late fees of \$15 for residential and \$25 for commercial that would be in effect for three billing cycles.

Councilor Blakey provided a motion to direct the Director of Civil Defense to issue an order suspending those portions of city resolutions regarding utility late fees until March 20, 2021. The motion was seconded by Councilor Miller.

Mayor Pro Tem Schroeder said she cannot support the order, stating that the city's billing division does a great job of working with the citizens and doesn't see a need to fix something that isn't broken. She noted that there are other services available to assist people with utility payments.

Councilor Blakey noted that this action would not suspend the water bill, but merely the any late fees incurred. In response to a question asked by Councilor Blakey, Administrative Services Director Marsh noted the maximum savings to the resident would be \$45 for residential and \$75 for commercial if late fees were to incur during the duration of the order.

Councilor Miller emphasized this is not a utility bill forgiveness program, but simply removes the late fee if a customer cannot pay their bill on time. This is a tool to assist, for example, those in the underserved community or who are ill.

Councilor Blakey asked if there is a policy in place which states that contributions made to Community Share Program cannot be used to pay late fees on utility bills. Mr. Marsh replied by explaining the funds are collected and turned over to Community Action Agency who manages distribution at their discretion.

Mayor Collins said he doesn't want to put any additional work on city staff, but feels this is one small thing the Council can do to help those who are in need.

ROLL CALL VOTE: VOTING AYE: Collins; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Schroeder; Bradbury

- G. ALCOHOL LICENSE FEES:** *Considering directing the Director of Civil Defense to issue an order to suspend payment of fees for alcohol licenses to July 31, 2021 - Action Item (Stricker)*

Business License Coordinator Stricker explained that the pandemic and subsequent occupancy restrictions placed on businesses has impacted restaurants and bars particularly hard. Community Development has received feedback from a handful of these alcohol licensees indicating an increased financial burden placed on them by the timing of these renewals. This prompted staff to explore the idea of extending the due date by six months to allow these businesses some additional time to make it through what is hopefully the tail-end of this pandemic. Ms. Stricker said staff recommends proceeding by asking restaurant and bar licensees to submit their renewal request and other required documentation, but not require payment at this time. A provisional six-month license may be issued and payment would be due upon expiration of the provisional license on July 31, 2021.

A motion and second were offered by Councilor Kelly and Mayor Pro Tem Schroeder to direct the Director of Civil Defense to issue an order suspending payment of fees for alcohol licenses until July 31, 2021. The motion carried 7 to 0.

- H. LICENSES:** *Considering approval of the following renewal licenses - Action Item (Stricker)*

Councilor Pernsteiner moved and Councilor Miller seconded, respectively, approval of the renewal licenses for retail liquor, retail wine by the drink and bottle, and retail beer on and off premises for Strike and Spare Bar and Grill, Bojacks Broiler Pit and the Red Lion Hotel. The motion carried unanimously.

I. ITEMS MOVED FROM THE CONSENT AGENDA - ACTION ITEM

- 1. BID AWARD - IFB-21-001 - THAIN ROAD, STEWART TO CEDAR:**
Considering award of the bid for IFB-21-001 KN22075 Thain Road, Stewart to Cedar, to Knife River Corporation - Mountain West, in the amount of \$183,183.00 - Action Item (Bailey)

Councilor Bradbury questioned the criteria used to place an item under the Consent Agenda, noting that several of the items are requesting large expenditures and do not constitute "routine issues". Additionally, he stated there was no indication within the documents provided for this item that this is a necessary project.

City Manager Nygaard said many of the items placed on the Consent Agenda have been discussed at work sessions so the Council is fully aware of what is before them for consideration. Further, many issues were specifically discussed during the budget process and approved through that process. Mr. Nygaard noted that this project has been before the Council a couple of times at previous meetings.

Engineering Projects Supervisor Bailey indicated the agreement with Knife River is for the construction of pedestrian ramps along Thain Road, from Stewart to Cedar, where they are noncompliant or nonexistent. The grant money comes from a competitive grant with the city's responsibility at 7.34 percent of all expenditures.

Councilor Bradbury moved to approve Bid Award IFB-21-001 KN22075, Thain Road, Stewart to Cedar, to Knife River Corporation - Mountain West, in the amount of \$183,183. Councilor Kelly seconded the motion. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- 2. CATERPILLAR 304E2 COMPACT EXCAVATOR PURCHASE:**
Considering the purchase of one Caterpillar 304E2 Compact Excavator from Western States Construction in the amount of \$52,743.40 - Action Item (Davies)

Mr. Bradbury asked if the city already has an excavator. Public Works Director Davies reported the Department does not have a compact excavator used specifically in tight spaces where water lines are located between buildings or adjacent to property lines. He explained that staff has to rent this piece of equipment every time it is needed which costs between \$2,000 and \$3,000 per month. Additionally, the equipment was authorized by the Council in the budget.

Mayor Pro Tem Schroeder moved and Councilor Miller seconded approval of the compact excavator purchase. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

3. **CATERPILLAR 420F2IT BACKHOE LOADER PURCHASE:** *Considering the purchase of one Caterpillar 420F2IT Backhoe Loader from Western States Equipment in the amount of \$120,262.10 - Action Item (Davies)*

Responding to Councilor Bradbury's question regarding need for this purchase, Mr. Davies explained the current piece of equipment will soon be 17 years old. Because it is used so much, staff spends more money on maintenance than they get out of the equipment. He noted that the backhoe loader was approved by the Council in its FY'21 budget.

Mayor Pro Tem Schroeder moved and Councilor Pernsteiner seconded approval of the backhoe loader purchase. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

4. **VOUCHERS PAYABLE:** *11/26/20 through 12/10/20 - \$2,505,016.46; 12/11/20 through 12/23/20 - \$2,021,029.84 - Action Item*

Councilor Blakey questioned the amount, to date, the city has spent on potential legal issues with regard to Councilor Bradbury. Mr. Marsh replied the total is almost \$14,000.

Councilor Bradbury asked for further clarification on the following expenditures, with Administrative Services Director Marsh providing an explanation:

- Capital Support Legislative - \$35,000: Portion of the city's annual payment of \$150,000 to the Airport
- Consulting Fee - \$45,000: City's insurance broker's internal fees/commission
- AIC Membership Dues - \$13,000: Association of Idaho Cities membership based on population

Councilor Miller questioned the payment to the Lewiston High School for the youth volleyball program in the amount of \$1,000. Parks & Recreation Director Barker explained that in lieu of paying coaches and

players an hourly wage to assist with the city's volleyball program, the city pays \$1,000 into the volleyball program.

Mayor Pro Tem Schroeder moved and Councilor Kelly seconded approval of both Vouchers Payables. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

VII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Bradbury said he believes it is not shameful to question a project in which a lot of effort has been put. He stated that if the Councilors don't think that Lewiston has a reputation for being business unfriendly, then they live on another planet. Idaho is now the fastest growing state in the Country and Lewiston has zero growth. It has empty stores, 110 year-old pipes and nobody seems to want to question why.

Councilor Blakey asked for an update on the downtown fire at the Emperor of India. Fire Chief Myklebust replied that the investigation report has been completed, but staff is working with the Prosecutor's Office prior to developing a press release.

B. CITY MANAGER COMMENTS

City Manager Nygaard reported a public health update has been scheduled for January 21st at 4:00 p.m., as well as a special meeting with the Council and Department Managers on January 23rd at 8:00 a.m.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

A motion was made by Mayor Collins to approve the reappointment of Vicky Ross to the Historic Preservation Commission. Mayor Pro Tem Schroeder seconded the motion and it carried unanimously.

The Mayor then offered a motion to approve the reappointment of Greg Follett to the Historic Preservation Commission. A second was provided by Mayor Pro Tem Schroeder. The motion carried 6 to 1, with Councilor Miller voting nay.

D. AGENDA TOPICS - ACTION ITEM

None.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilor Kelly and Mayor Pro Tem Schroeder moved and seconded adjournment of the January 11, 2021, Regular Council Meeting at 7:52 p.m.

Kari Ravencroft, Recording Secretary

Date approved by City Council