

JANUARY 27, 2020

THE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Special meeting on Monday, January 27, 2020, on the second floor of the Lewiston City Library, 411 "D" Street, Lewiston. Mayor Collins called the meeting to order at 6:00 p.m.

I. ROLL CALL

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

Councilors Excused: Miller

II. PLEDGE OF ALLEGIANCE

Mayor Collins led the Pledge of Allegiance.

A motion was offered by Councilor Blakey and seconded by Mayor Pro Tem Schroeder to add approval of the following liquor licenses to Item C under the Consent Agenda: The Zoo, 2138 13th Avenue; Ernie's Steakhouse, 2305 Nez Perce Drive; Boomer's Sports Cellar, 0301 2nd Street; Boomtown American Saloon, 516 Main Street; El Sombrero, 405 Thain Road; The Wrangler, 750 21st Street; Shooters, 1618 Main Street; Lewiston Elks Lodge, 3444 Country Club Drive. The motion carried unanimously.

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.*

Mr. Molique Prior stated he believes Lewiston Transit should have additional busses and routes that run into the evenings to assist those individuals going to and from work. He said many people don't utilize the bus service because the current times they run are inconvenient.

Unknown name said he noticed many stores do not get business because the busses don't run in the evening. He noted that many businesses in town would benefit from evening runs. noticed a lot of stores don't get a lot of people because buses don't run in the evening. Not easy to walk from Orchards downtown. Would benefit businesses in town.

Councilor Bradbury asked that suggestions for additional bus routes be placed in writing and submitted to City Manager Nygaard.

IV. PRESENTATIONS AND PUBLIC HEARINGS

- A. FINANCIAL PRESENTATION - DECEMBER 2019 REPORT:** *Report provided to Council in accordance with Idaho Code 50-208*

Accounting Manager Gordon reported on the December 2019 financial report which is for the end of the first quarter and represents about 25 percent of the budget. With regard to property taxes, she noted they are significantly below 25 percent as revenues are only received by the city twice per year. At the end of December, the account for Human Resources was at 32 percent due to a payment into the VEBA account of approximately \$38,000. Community Development revenue is currently at 54 percent to date based on permit fees for the WWTP project. Services and Charges for Information Services are at 44 percent due to software license user agreements that are renewed annually. With regard to the Police Retirement Fund, Ms. Gordon noted the last payment to the loan will be made in October.

- B. 2020 CENSUS:** *Presentation by Juanita Risch*

Ms. Risch, Partnership Specialist for the US Census Bureau, reported on the program called "Road to 2020". Explaining why the 2020 census matters, she noted it affects congressional representation, reapportionment and redistricting. In 2010, it was estimated that \$2.4 billion was provided to the State of Idaho, equating to approximately \$1,400 per person. However, based on what is believed to be about 31,000 people who were not counted, that was a huge amount of money lost out to the State if figuring the \$1,400 per person distribution. Ms. Risch said the census impacts every community as it affects education dollars, employment, labor, resources, health care, emergency services, hospitals, etc.

Beginning on March 25, 2020, there will be a new ability to respond to the census online. Staff will begin mailing out postcards in March with the hope that the majority of individuals will respond online. However, she noted people can still call in or request a form be mailed to them. If folks do not reply in one of these manners, then they will be visited later in the summer by a person at their door.

Continuing, Ms. Risch said that all data collected will be based on where an individual lives, what they make and what they are doing on April 1st. She reviewed a timeline outlining the process, encouraged all partners to emphasize the importance of responding to the survey and asked that all information be shared via websites, local libraries, etc.

Councilor Bradbury asked how the transient and homeless populations are counted. Ms. Risch indicated they fall under a separate operation wherein staff are sent to parks, food kitchens, etc. in an effort to count those individuals. She noted

that staff will also visit nursing homes, universities, hospitals and other facilities wherein large groups of people are living.

Councilor Kelly asked if this information will be made available on the City's website. Ms. Risch confirmed, noting that the City has been a great partner and will also be sending it with the utility bills.

C. WASTEWATER TREATMENT PLANT CONSTRUCTION UPDATE: *Report on progress to date*

Public Works Director Davies reported the Wastewater Treatment Plant project began in November. The contractor started mobilization of their equipment and materials and demolished certain facilities. Mr. Davies indicated that there was \$1.45 million in work during the month of November.

In December, Mr. Davies said the contractor continued mobilization, performed excavation for the new clarifier, dewatered the wells, and prepared the building for new screw presses. There have been no change orders or claims since the beginning of the project and the contractor has submitted its second pay request to the City. Mr. Davies indicated he would keep the Council updated on progress on a regular basis.

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 the Vouchers Payable be placed under the Active Agenda for discussion.

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

- A. CITY COUNCIL MEETING MINUTES: *12/09/19 Regular; 12/20/19 Special***
- B. ADVISORY BOARD AND COMMISSION MEETING MINUTES: *12/05/20 Historic Preservation Commission; 11/20/19 Parks & Recreation Commission; 11/13/19 and 12/11/19 Planning & Zoning Commission***
- C. ALCOHOL LICENSES: *Considering approval of the following renewal licenses:***

- Red Lobster - 2115 Thain Grade
- Applebee's - 2235 Thain Grade
- Corner Villa - 2110 14th Avenue
- Zany Graze, 2004 19th Avenue
- The Zoo, 2138 13th Avenue
- Ernie's Steakhouse, 2305 Nez Perce Drive
- Boomer's Sports Cellar, 0301 2nd Street
- Boomtown American Saloon, 516 Main Street
- El Sombrero, 405 Thain Road
- The Wrangler, 750 21st Street
- Shooters, 1618 Main Street
- Lewiston Elks Lodge, 3444 Country Club Drive

- D. **BOARD AND COMMISSION ASSIGNMENTS:** *Considering approval of the Councilors assigned to various boards and commissions*
- E. **RESOLUTION 2020-6:** *Considering acceptance of a Dedication of Right-of-Way from Joe and Frances McCann Family Limited Partnership*
- F. **VOUCHER'S PAYABLE:** *12/27/19 through 01/09/20 - \$2,737,279.87*

VI. **ACTIVE AGENDA**

A. **ORDINANCES**

1. **First Reading**

a. **Ordinance 4768**

Public Works Director Davies explained the proposed amendment relates to a program approved by the City Council in 2018 wherein the Council wanted to provide relief from increased utility rates for those members who were eligible. Currently tied in with the County's circuit breaker program, Utility Billing staff has indicated that many individuals are confused by the verbiage, thinking if they were signed up for the County's program that they were automatically signed up for the City's and vice versa. Therefore, it is being suggested that the City's program be called the Utility Assistance Program for clarification.

Referring to Page 2, Item E, Councilor Pernsteiner noted that it states that if a customer is no longer approved by the State then the City provides a written notice of cancellation along with the effective

date of that cancellation. He asked when that date is. Public Works Director Davies explained it is based on the next billing cycle.

Councilor Kelly noted that if people can be disqualified from the program if they do not pay their utility bill within 90 days, it adds insult to injury as they most likely are unable to pay the bill. Mr. Davies explained all utility customers are handled the same. Notices are sent to those who are delinquent and shut-offs are done when necessary. Though individuals receive a discount through this program, they are still expected to pay.

Responding to a question raised by Councilor Pernsteiner, Mr. Davies said there are currently around 400 participants. When Utility Billing staff first looked into this, there were approximately 700 individuals who were potentially eligible.

Councilor Kelly noted that individuals are required to apply for the County's program on a yearly basis. He asked if the City is notified by the County as to who was eligible. Public Works Director Davies confirmed, explaining City staff receive a list of those who qualify each year.

Councilor Bradbury questioned how information about the program is disseminated and requested that it also be included on the utility bills.

Mayor Pro Tem Schroeder moved and Councilor Pernsteiner seconded approval of the first reading of Ordinances 4768. The motion carried 6 to 0, with Councilor Miller excused.

ORDINANCE 4768: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 36.5-29 OF THE LEWISTON CITY CODE REGARDING CITY'S UTILITY ASSISTANCE PROGRAM; FORMERLY KNOWN AS CITY'S UTILITY CIRCUIT BREAKER PROGRAM; AND PROVIDING AN EFFECTIVE DATE"

- B. RESOLUTION 2020-7:** *Considering approval of a State/Local Agreement for Project No. A021(998) between the City of Lewiston and the Idaho Transportation Department*

Engineering Projects Supervisor Bailey said this agreement is for the design of the 21st Street/19th Avenue intersection. The project includes reconfiguration of the intersection to widen the lanes, update signalization and reconstruct the pedestrian ramps. Total project cost is \$670,000, with the City's match at \$2,000. In addition, the Nez Perce Terrace PUD contributed \$95,000 to the project. Design is

expected to be complete by the end of summer with construction to begin in the spring. All improvements are surface so the project should not take long.

Following a motion and second from Councilor Pernsteiner and Mayor Pro Tem Schroeder, Resolution 2020-7 was approved. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner. VOTING NAY: None. EXCUSED: Miller.*

C. WW504 2019-2024 WASTEWATER COLLECTION SYSTEM IMPROVEMENTS: *Considering approval of the agreement between the City of Lewiston and J-U-B Engineers for Task order #4*

Mayor Pro Tem Schroeder moved and Councilor Pernsteiner seconded approval of Task Order No. 4 pursuant to the Master Agreement for Professional Services between the City of Lewiston and J-U-B Engineers, Inc. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner. VOTING NAY: None. EXCUSED: Miller.*

D. TRANSFER OF WATER RIGHTS - POINT OF DIVERSION: *Considering approval and signature on the application for the transfer of water rights - point of diversion*

It was explained by Public Works Director Davies that this goes back a long time prior to levees being built. When it first began, the Corps of Engineers provided the City with temporary intake west of the permanent intake for the City. The permanent solution never really worked for the City and always had problems due to design and silt. Therefore, the temporary structure has been in place since that time and it was discovered that water rights were never transferred to the temporary or the permanent site. With the new Water Plan in place and the Corps of Engineers working to find a permanent solution, it was determined that water rights would need to be transferred so they could be used at either site. Once completed, the City would have the ability to use either site.

Councilor Pernsteiner asked if the City has water rights on either place. Mr. Davies indicated it does on the permanent site only.

A motion was offered by Councilor Kelly to authorize the Mayor to sign the Application for Transfer of Water Right - Point(s) of Diversion. Councilor Pernsteiner provided a second. The motion carried 6 to 0, with Councilor Miller excused.

E. BID AWARD - TRI-PARTNERSHIP DEVELOPMENT - OFFSITE TRAFFIC IMPACT STUDY IMPROVEMENTS: *Considering approval of the bid award to M.L. Albright & Sons and approval of the Standard Form of Agreement*

Mayor Pro Tem Schroeder and Councilor Pernsteiner moved and seconded, respectively, to award M.L. Albright & Sons, Inc., the bid in the amount of \$828,392.78 for the Tri-Partnership Off-Site Traffic Impact Study Improvements and to approve the related Standard Form of Agreement. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner. VOTING NAY: None. EXCUSED: Miller.*

F. SOQ REJECTION - CONTRACTOR PREQUALIFICATIONS FOR WELL #6 GOODS AND SPECIAL SERVICES: *Considering the rejection of the two SOQs received due to deficiencies in the City's original RFQ document and authorization for staff to resolicit for contractor prequalification after revisions to the RFQ document*

Engineering Projects Supervisor Bailey explained the City sent out Requests for Qualifications for Well #6 Goods and Services. Two requests were received; however, neither met the qualifications. Staff decided the Request for Qualifications was inadequate so decided to revise the agreement. Therefore, staff is asking that the bids be rejected in order to allow time to rewrite the agreement.

A motion was made by Councilor Blakey to reject the two Statement of Qualifications received for RFQ-20-003 and authorize staff to resolicit for contractor prequalification after revisions to the RFQ. Mayor Pro Tem Schroeder seconded the motion which carried 6 to 0, with Councilor Miller excused.

G. ITEMS MOVED FROM THE CONSENT AGENDA

1. Vouchers Payable

Councilor Bradbury stated that the Idaho Constitution prohibits the use of public money for private use. He mentioned payments to Hells Canyon Visitor's Bureau and Valley Vision, noting that he is not persuaded they have provided a discreet benefit to the City. He asked that copies of the contracts be provided and suggested this discussion be scheduled on the next Work Session agenda.

Mayor Pro Tem Schroeder moved and Councilor Pernsteiner seconded approval. The motion carried 5 to 1 to 0 with Councilor Bradbury voting nay and Councilor Miller excused.

VII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Mayor Pro Tem Schroeder said she attended the first meeting of the Public Works Commission today where the consultant provided an update on the Water and Wastewater Treatment Plant projects.

Mayor Collins reported he attended the Golden Throne game last weekend. This was a very well attended game and was exciting for the students.

B. CITY MANAGER COMMENTS

City Manager Nygaard noted that with the approval of the Off-site Traffic Impact Study Improvements for the Tri-Partnership development approved this evening, that is the last portion for the City under the current agreement.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

Mayor Collins moved to approve the appointment of Jim Kleeburg to the Cemetery/Urban Forestry Advisory Commission. Councilor Pernsteiner provided a second and it carried 6 to 0, with Councilor Miller excused.

A motion was then offered by Mayor Collins to appoint Ged Randall to the Disabilities Advisory Commission. Following a second from Councilor Schroeder, the motion carried 6 to 0, with Councilor Miller excused.

Upon a motion from Mayor Collins followed by a second from Councilor Pernsteiner, Ged Randall was appointed to the Historic Preservation Commission. There were no objections and carried 6 to 0, with Councilor Miller excused.

Finally, Mayor Collins moved to appoint Jay Ostvig to the Disabilities Advisory Commission. The motion was seconded by Councilor Schroeder and carried 6 to 0, with Councilor Miller excused.

D. AGENDA TOPICS

No new agenda topics were offered for future discussion/action.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Mayor Pro Tem Schroeder moved and Councilor Pernsteiner seconded adjournment of the January 27, 2020, Regular Council Meeting at 6:53 p.m.