



*February 1, 2021*

**T** HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Work Session on Monday, February 1, 2021, at 3:01 p.m. at the Lewiston City Library, 411 D Street.

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**COUNCIL MEMBERS PRESENT:** Mayor Collins; Mayor Pro Tem Schroeder; Councilor Kelly; Councilor Bradbury; Councilor Pernsteiner; Councilor Miller; Councilor Blakey

**STAFF MEMBERS PRESENT:** Alan Nygaard; Chris Davies; Budd Hurd; Jana Gómez; Kayla Hermann; Travis Myklebust; Dan Marsh; Tim Barker; Laura Von Tersch; Lynn Johnson; Nikki Province; Carol Mauer; Kari Ravencroft; Aimee Gordon; Brittne Purington; Dustin Johnson; Aaron Butler; Alannah Bailey; Joel Plaskon; Shannon Grow; Katie Hollingshead; John Smith; Linda Steputat

**I. PLEDGE OF ALLEGIANCE**

Mayor Collins led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

*This is an opportunity for members of the public to address the City Council on agenda items or any issue of City business; provided, however, members of the public shall not address matters that are the subject of a public hearing or provide additional testimony or information on a quasi-judicial matter (e.g., Planning and Zoning matter) after the official record of such matter has been closed. Persons commenting may request that items be placed on a future agenda for further discussion; such requests are subject to approval by the City Manager or a majority vote of the City Council. Comments regarding the performance of a specific City employee are not appropriate during Citizens' Comments; instead, a meeting should be scheduled with the City Manager. The presiding officer may determine that comments regarding matters that have been previously heard and/or decided by the City Council are not appropriate for Citizens' Comments.*

*A person shall not provide comment unless and until recognized by the presiding officer. Persons providing comment shall identify themselves by their names and cities of residence, but shall not be required to disclose their mailing or home addresses. Persons making comments shall be limited to **3 minutes** each, unless additional time is allowed by the presiding officer.*

*Comments may be made: (1) in-person, (2) by emailing the City Clerk at [kravencroft@cityoflewiston.org](mailto:kravencroft@cityoflewiston.org), or (3) by calling (208) 746-3676 and leaving a message. Comments submitted by email or phone will be forwarded to the City Council. If you would like your comment to be read out loud during the meeting, please so indicate in your message. Members of the public who wish to provide in-person comment, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space and/or overflow room(s), such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at [cityoflewiston.org](http://cityoflewiston.org). The City will not provide a means for listening to the meeting outside of the designated meeting space and/or overflow room(s).*



There were no citizen comments.

Councilor Bradbury made a motion to move the Civic Theater item to the top of the agenda. The motion was seconded by Councilor Kelly and carried 7 to 0.

#### IV. WORK SESSION ITEMS

- A. STORMWATER MASTER PLAN: *Presentation on the Stormwater Master Plan Update* (D. Johnson/Kaufman)

City Engineer Kaufman provided an update to the Council regarding the Stormwater Master Plan. Stillman Norton teamed up with ASPEC Consulting to work with the City on the stormwater utility, as well as a Stormwater Master Plan. The Plan was completed in September 2019. The purpose of the Plan was to evaluate existing infrastructure, merge all prior planning efforts and update costs, and prioritize future improvement projects. He stated that the group was asked to compile a list of recommended updates to the Infrastructure Repair and Replacement Program.

Councilor Pernsteiner asked when the Plan would be available to the Council. Mr. Kaufman replied that it would be provided immediately.

Councilor Kelly asked if the budget for the next 5 years for the Capital Improvement Plan is \$700,000-800,000 per year. Mr. Kaufman confirmed.

- B. CIVIC THEATER: *Review of potential options for the Ann Bollinger Building* (Davies/Miller)

Councilor Miller stated that the Bollinger Group has prepared an update for the Council on the Ann Bollinger Performing Arts Center previously known as the Civic Theater. She said the group has put forth a lot of work finding ways to try and save the building.

Bollinger Group President Bringham shared a brief presentation with the Council regarding the Ann Bollinger Building. He said the non-profit 501(c)3 group is dedicated to saving, preserving and finding a future purpose for the building.

Bollinger Group Treasurer Kerrick stated that she has lived a block from the Theater since 1994. She said the Bollinger Group has been collecting community feedback regarding the building and had an overwhelming response to save the building. She explained that the group has researched what could be done with the building now that it will no longer be a theater. The Bollinger Group applied for two different Community Development Block grants that were unsuccessful due to possible demolition of the building. Ms. Kerrick provided a short overview regarding the fundraising efforts and issues the group is facing. She noted that it has been difficult to secure contributions without solid proof from the city that the building would not be demolished.



Mr. Brigham stated that the group does envision the Bollinger Building evolving into an asset for the community. He said that the vision of the group envelopes a diversity of users, tenants and visitors while creating employment opportunities. The group was able to work with students from the University of Idaho that provided various ideas. He provided an overview of the existing conditions of the building and reiterated that it is very difficult to collect funds unless the building is going to be saved and not demolished. Mr. Brigham stated the group is requesting that the City repair the trusses in the roof. He explained that if the trusses are repaired, the group would continue efforts to raise funds to fix the roof. He noted that once this is all complete, there would be more opportunity to pursue grants and funding to fix the masonry and preserve the structural integrity of the building. Ms. Kerrick noted that the group received a bid to replace the roof for approximately \$80,000. Mr. Brigham concluded that the Bollinger Group would like to work closely with the city and community to get the Ann Bollinger Performing Arts Center back to a useful structure.

Mr. Bush, a longtime member of the Historic Preservation Commission and Nez Perce County Historical Society, said he feels that perception is everything and if the city is perceived to only be driven by dollars, then the unique history and culture do not matter. He emphasized that in an emergency situation, as engineers have warned may happen, spending vast amounts of money to demolish the building presents a serious problem for the city budget. He continued by stating that repairs could be made to avoid the emergency situations and provide time for the Bollinger Group to continue fund raising efforts. He said that his solution for the historic Methodist Church would be to give confidence to donors that the city is part of the solution and set benchmarks and time constraints for the proposals being made. He concluded by stating that in the end, our society will be defined not only by what we create but by what we refuse to destroy.

Mr. Branting, Lewis Clark State College Historian, shared a presentation regarding the historical value of the Ann Bollinger Performing Arts Center. He provided the Council with the historical background of the Methodist Church including pictures of the original construction from approximately 1907. He noted that the community is the reason the building continued to thrive and has been standing for over 115 years.

Mayor Collins asked what the cost would be for the city to repair the trusses. Mr. Davies stated that the cost is unknown at this time, but they would have to be completely removed and replaced.

Public Works Director Davies explained that a structural engineer would have to be consulted in order to find out exactly how to support the roof and replace the trusses. He said that with modern technology, there could be other material options of truss replacement.

Councilor Bradbury applauded the work of the Bollinger Group and Councilor Miller for the efforts they have made to save this building. He stated that he would like to have an estimate presented for the cost of replacing the trusses. He asked if the group spoke



with Lewis Clark State College (LCSC) to see if they would have a use for the building. He stated that he would like information on how the building could be publicly used. Mr. Brigham responded by stating that the group spoke with LCSC and St Joseph Regional Medical Center (SJPMC) and neither entity was able to help at this time.

Councilor Kelly stated that he is interested in how much it would cost in order for the building to not be condemned and give the Bollinger Group some time to raise funds.

Councilor Pernstienner asked if the issue with the city declaring the building surplus was due to it being condemned and uninsurable. Councilor Miller confirmed. Councilor Pernstienner asked if it would take more than repairing the trusses and roof in order to have the building not be condemned. Mr. Brigham replied that it would be less cost to the city to hire a structural engineer and repair/replace the trusses than to demolish the building. Mr. Davies clarified that the city does not have an exact amount to how much it would cost to demolish the building. City Manager Nygaard added that if the building were to be demolished, it would be done in pieces so that items from within the building could be preserved.

Councilor Blakey stated that he feels that the city is being put on the spot to have to fix the trusses and not demolish the building. He is open to negotiations with how the trusses could be fixed and said that he feels that this property needs to be surplus out to the public.

Mayor Pro Tem Schroeder asked how much the structural engineer would cost. Mr. Davies replied that a structural engineer could cost approximately \$2,000-4,000. He added that the roof still leaks and suggested having an engineer evaluate how to replace the roof in order to meet current city code standards. Ms. Schroeder stated that she is disappointed that it has taken the group quite some time to bring this proposition back to the Council. She asked if there were other ways to have money pledged and then return if the plan does not come to fruition. Councilor Miller responded that raising money with pledges is not a possibility with capital projects and this group wants to look for a way to work beside the city to find options for the building's future. She noted that the Council needs to determine what they actually want to do with the building. If there is no support and the Council wants to demolish it, then they should decide that sooner than later.

Councilor Blakey stated that if the Council wants to seek public input, the community needs to know the real costs and how it will affect their taxes.

Councilor Bradbury stated that the Council needs to figure out what choices are available. If the building was put out to bid, he feels that there would most likely not be any bids. He suggested comparing the cost of tearing down the structure and replacing the trusses to allow the group to raise funds to fix the roof. If the cost is \$500,000 to demolish the building and only \$100,000 to replace the trusses, then the city could save some money. Mr. Bradbury stated that he would like to have an engineer provide an estimate for the



trusses and an accurate estimate to demolish the building. He suggested to have this item placed back on the agenda in 30 days to revisit the estimates.

Mayor Collins agreed with Councilor Bradbury. He asked if estimates can be collected within a 30 day time frame. Mr. Davies stated that his suggestion would be to use the previous structural engineer that the city hired and the time frame would depend on their availability. He noted that it is very difficult to estimate the costs to demolish the building without actually going out to bid for the project.

Councilor Pernsteiner stated he would like to know what it would take to have the property no longer declared as condemned. Mr. Nygaard stated that there needs to be a plan moving forward so everyone involved understands the ramifications and costs involved for the entire project. He suggested having staff put together a package that reflects the true cost of a solution for presentation to the Council.

Councilor Bradbury agreed with Mr. Nygaard's suggestions and stated that he would also like to have included in the calculations how to make it feasible for the Bollinger Group to be able to take over the building.

Mayor Collins asked if the Bollinger Group would be able to provide the Council with the figures that could be fundraised to maintain the building if given the opportunity. Councilor Miller stated that it would depend on several different factors, but the group could work on some figures.

C. **WATER TREATMENT PLANT AND DESIGN BUILD PROCESS UPDATE:** *Overview of Phase 1 of the Lewiston Water Treatment Plant Retrofit Progressive Design Build (Bailey)*

City Engineer Bailey provided an overview of Phase 1 of the Water Treatment Plant Retrofit Progressive Design Build. She presented the steps that will take place during Phase 1 with demolition beginning in the fall of 2021. She explained that with the Water Treatment Plant down for construction, the city will not be able to meet the city's water needs during peak season. During that time, mobile water treatment plant trailers will be brought in to augment groundwater supply during summer irrigation season.

Ms. Bailey included a financial overview for the project. She stated the project is funded by the voter approved loan from Idaho Department of Environmental Quality. She shared the proposed schedule for Phase I preliminary services. There will be Progressive Design-Build Early Works Amendment(s) that will come before the Council for approval in April 2021.

Councilor Blakey asked if the city has access to use Lewiston Orchards Irrigation District (LOID) water supply resources in emergency situations. Ms. Bailey answered by stating that the City does have an agreement with LOID that allows for the city to use a certain amount of water in case of emergencies.



**D. SANITARY DISPOSAL INC: *Information to be provided prior to the meeting (Davies)***

Public Works Director Davies stated that the Public Works Department is in negotiations with Sunshine Disposal, Inc. (SDI) regarding the Recycling Program contract. He said that the city has met with SDI and they are reviewing the proposal.

Councilor Bradbury asked for an update on the recycling market and why the city continues to recycle if the market is poor. Mr. Davies responded that there is always a market for recycling, it just depends on how much the city is willing to spend.

**E. APPEALS PROCESSES: *Discussion of the City of Lewiston's' appeals processes (Gómez)***

City Attorney Gómez explained that staff reviewed City Code and all areas with regard to the appeal process. State law requires all appeals from Planning and Zoning, the Building Division, the Fire Department, and the Historic Preservation Commission to be presented to the Council. She noted that if the Council would like to hear additional appeals, there could potentially be a need for additional meetings and/or longer agendas.

Councilors Pernsteiner and Bradbury both stated that it would be helpful to understand the volume and types of appeals filed. Ms. Gómez stated that the volume of appeals were discussed at leadership and the directors would have to meet with staff to compile the data.

There was a consensus of the Council to have staff look into the to volume of appeals that do not come before the Council and report in 90 days.

**F. E-SCOOTERS/E-BIKES: *Discussion on the potential use of E-Scooters and E-Bikes (D. Johnson/Plaskon)***

City Engineer Johnson opened discussion on the potential introduction of E-Scooter use in the city. He said that staff met and compiled a list of items that needed to be researched for general regulations pertaining to e-bikes/e-scooters. Public Works would need to be involved due to the bikes/scooters being in the rights-of-way and Community Development would handle the licensing and permitting. The City Attorney's Office would be responsible for writing the regulations and the Police Department would be in charge of enforcing the regulations.

City Planner Plaskon stated that he did some research regarding the implementation of e-bikes/e-scooters and provided a list of concerns. He noted that Idaho does not have a state code pertaining to e-bikes/e-scooters. He provided the Council with information regarding the list of major concerns and items that will need further research and discussion.



Councilor Blakey stated that the Idaho Legislature passed House Bill 76 that permits e-bikes to operate on city streets and sidewalks. He said that he believes there will need to be a large education component prior to any implementation.

City Attorney Gómez stated she would like to receive direction from the Council on regulatory frameworks, a pilot program, and a moratorium until regulations are implemented. She indicated that there would need to be two new chapters written into City Code, such as regulations for companies and regulations for the public. She noted that e-scooters are not yet addressed in the Idaho Code. There is an option to place a moratorium until the regulations are drafted. Ms. Gómez recommended that staff work on regulations and talk with the companies that are interested. She said that under current Idaho Law, as written, e-scooters would be classified as a vehicle and not allowed on sidewalks.

Ms. Gómez continued by covering liability claims and stated that other cities seem to be placing the responsibility on the company providing the equipment. The city would be able to enforce that through indemnification and insurance requirements.

Police Chief Hurd stated that the implementation would need to be regulated upfront so that it is enforceable from the beginning. He stated that there has been disagreement in whether the item is considered a motor vehicle and how to regulate DUI enforcement.

Councilor Kelly asked how reputable the company is who is requesting to bring this business to the city. Mr. Johnson stated that the company is known worldwide and in major cities around the country. Councilor Kelly said that he would be in support of a pilot program.

Councilor Blakey stated he is in favor a moratorium and a bond until regulations are established. He also said that speed limits would need to be enforced.

Mayor Pro Tem Schroeder stated she is in favor of a moratorium and/or a pilot program.

Councilor Miller stated she feels that this should be a valley wide program working together with Clarkston and the Corp of Engineers so that they are accessible from all parts of the valley. She said she is in favor of the moratorium until regulations are in place.

City Manager Nygaard stated this topic is an issue nationwide and suggestions from other city managers have been to have regulations in place prior to the allowance of the e-scooters.

Mr. Johnson stated that staff will begin work on the moratorium until regulations are in place. He said that he will reach out to the company and update them on today's decision.



Mr. Plaskon suggested that the departments involved would need to update their strategic plans so that the Council is aware of the impact on other priorities within the plan.

Councilor Pernstiener asked if the company that has reached out has a regulatory department that city staff could collaborate with for information. Ms. Gómez stated that staff could reach out for that information. She stated that Boise and Idaho Falls will also be good resources for information, as they have current regulations in place.

## V. ACTIVE AGENDA

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

#### RETAIL LIQUOR, RETAIL WINE BY THE DRINK AND BOTTLE, RETAIL BEER ON AND OFF PREMISE

- *Ernie's Steakhouse, 2305 Nez Perce Drive*
- *Shooters, 1618 Main Street*
- *Canter's Inn, 416 Thain Road*

Councilors Bradbury and Pernsteiner moved and 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 Ernie's Steakhouse, Shooters, and Canter's Inn. The motion carried unanimously.

## VI. UNFINISHED AND NEW BUSINESS

### A. CITY COUNCILOR COMMENTS

Councilor Bradbury commented on the public hearings regarding the mask orders stating that he wants the citizens to know that he listened to everyone that offered comments or letters. He said that he waged his decision on the merit of the data and strength of the arguments but simply did not agree with the citizens opposed to the mask order.

Councilor Blakey asked how the parts of the Demolay Trail Park are funded and how the trail is going to connect Prospect Avenue to the park. City Engineer Johnson replied by explaining that Demolay Trail Park was a Federal Lands Access Project and he is unsure if there is funding to take the path down to Prospect Avenue. Parks and Recreation Director Barker stated that project is being looked at to be able to connect the street to the south end of the park. He stated that there is currently no funding available and will need to be acquired.

### B. CITY MANAGER COMMENTS

City Manager Nygaard did not have any additional comments.



**C. ADVISORY BOARD OR COMMISSION APPOINTMENTS** – Action Item

There were no appointments.

**D. PROPOSED WORK SESSION TOPICS** – Action Item

There were no proposed work session items.

Following a motion and second from Mayor Pro Tem Schroeder and Councilor Kelly, the Council went into Executive Session to discuss items pertaining to Property Acquisition and Labor Negotiations. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

**VII. EXECUTIVE SESSION RE: PROPERTY ACQUISITION AND LABOR NEGOTIATIONS:**  
*Idaho Code 74-206(1)(c) to acquire an interest in real property not owned by a public agency; and Idaho Code 74-206(1)(j) to consider labor contract matters authorized under Section 74-206A (1)(a) and (b), Idaho Code.* – Action Item

Following a short recess, the Council met to discuss the items noted above. Councilors Blakey and Pernsteiner moved and seconded to retire from Executive Session. There were no objections.

**VIII. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Mayor Collins adjourned the February 1, 2021, Work Session at 6:15 p.m.