

FEBRUARY 8, 2021

THE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, February 8, 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

Councilor Blakey led the Pledge of Allegiance.

Councilor Bradbury moved to accept the amended agenda adding two additional potential appointments to the Business Improvement District Board. Councilor Pernsteiner seconded the motion and it 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.*

Steve Martin addressed the city's budget allotted for the Normal Hill Cemetery. He noted that it takes money to keep it up, but it is important as this is a place to be proud of within the community. Additionally, he talked about homelessness, noting that Lewiston is a great place and has a lot to offer to these individuals. Resources and jobs are available and the homeless population could be served well here.

Don Smith expressed the need for a crosswalk, speed limit sign, and a police presence in front of the Post Office.

IV. PRESENTATIONS AND PUBLIC HEARINGS

- A. PUBLIC HEARING - ANX20-000002, CPA20-000004 ZNC20-000006: *Accepting testimony on a request to annex, from the Area of City Impact, the undeveloped southerly 7.78 acres on the southerly 7.15 acres generally located to the north of Frontier Drive and Discovery Drive and to assign a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Northeast Crossing Planned Unit Development Zoning District (Hollingshead)***

It was noted by Mayor Collins that this was the time and place advertised for the public hearing regarding ANX20-000002, CPA20-000004 and ZNC20-000006. He asked that a staff report be provided.

Assistant City Planner Hollingshead reported that this request is to annex 14.93 acres by assigning a Low Density Residential Comprehensive Plan Land Use designation and to the same land, rezoning it from F-1 (Farm) and R1 (Suburban Residential) to Planned Unit Development. These requests are associated with a preliminary subdivision plat application to create 46 new residential building lots. Frontier Drive would be extended to the east and Horizon Court would be installed on the western side. There was no testimony in opposition presented to the Planning & Zoning Commission and they recommend approval.

Mayor Collins requested testimony either in favor or in opposition of the request. There being none, he closed the 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 requested the Vouchers Payable be moved to the Active Agenda for discussion.

Councilor Pernsteiner and Mayor Pro Tem Schroeder 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. CITY COUNCIL MEETING MINUTES: 01/04/21 Work Session; 01/23/21 Special – Action Item
- B. ADVISORY BOARD AND COMMISSION MEETING MINUTES: 01/13/21 Library Board – Action Item
- C. RESOLUTION 2021-8: Considering approving the Federal Transit Administration Fiscal Year 2021 Certifications and Assurances – Action Item
- D. RESOLUTION 2021-9: Considering accepting a public stormwater utility and access easement from Guy and Maureen Olson to the City of Lewiston – Action Item

- E. **VOUCHERS PAYABLE:** 01/09/21 through 01/22/21 - \$2,551,160.64 - Action Item - Moved to Active Agenda Item VI. D.

VI. ACTIVE AGENDA

- A. **PRELIMINARY PLAT - HOOT ADDITION:** Considering a proposal to plat approximately 1.27 acres of property located at 1008 Airway Avenue into three lots - Action Item (Weigand)

City Surveyor Weigand reported that the Hoot Addition preliminary plat proposes to plat approximately 1.27 acres of property currently occupied by a storage building, a shop and a single family residence, located at 1008 Airway Avenue, into three lots. One lot is configured in conformance to the provisions within City Code for small lot developments as approved in accordance with CUP20-000007. The two remaining lots are configured as "flag lots" in conformance with City Code, and will utilize a shared driveway constructed to at least the minimum standard outlined in City Standard Drawing 3-1. Mutual maintenance agreements and nonexclusive access easements will be required. An additional five feet of right-of-way will be dedicated to the public along Airway Avenue street frontage to match the existing right-of-way width of Airway Avenue west of the proposed subdivision.

Continuing, Mr. Weigand explained the frontage improvements for the property have been previously satisfied by a F.I.L.O. paid by the owner when developing the existing single family residence on the site, and no additional public improvements are required in conjunction with the proposed development. The preliminary plat complies with the applicable requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32, and Idaho State Code requirements for Plats and Vacations.

Councilor Kelly offered a motion to approve the preliminary plat for the Hoot Addition. A second was provided by Mayor Pro Tem Schroeder and carried 7 to 0.

B. ORDINANCES

1. First Reading

- a. **Ordinance 4802:** Implementing the City Council's decision in ANX20-000002 to annex land into the Lewiston city limits - Action Item (Hollingshead)

A motion was made by Councilor Kelly to read Ordinance 4802 for the first time by title only, with a second provided by Mayor Pro Tem Schroeder. The motion carried unanimously.

ORDINANCE 4802: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ANX20-000002 TO ANNEX LAND INTO THE LEWISTON CITY LIMITS; AND PROVIDING AN EFFECTIVE DATE"

- b. Ordinance 4803: *Implementing the City Council's decision in ZNC20-000006, declaring that certain newly-annexed real property be included in the City of Lewiston Planned Unit Development (PUD) Zone; amending the official zoning map and approving the Northeast Crossing Phase 4 Planned Unit Development Agreement between the City and DK Holdings, LLC- Action Item (Hollingshead)*

Upon a motion and second from Councilor Kelly and Mayor Pro Tem Schroeder, respectively, Ordinance 4803 was read for the first time with a vote of 7 to 0.

ORDINANCE 4803: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC20-000006, DECLARING THAT CERTAIN NEWLY-ANNEXED REAL PROPERTY BE INCLUDED IN THE CITY OF LEWISTON PLANNED UNIT DEVELOPMENT (PUD) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; APPROVING THE NORTHEAST CROSSING PHASE 4 PLANNED UNIT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND DK HOLDINGS, LLC; AND PROVIDING AN EFFECTIVE DATE"

- c. Ordinance 4804: *Amending Section 39-1 of the Lewiston City Code to update the City of Lewiston Area of City Impact Boundary Map - Action Item (Hollingshead)*

A motion was offered by Mayor Pro Tem Schroeder to read Ordinance 4804 for the first time by title only. Councilor Pernsteiner seconded. The motion carried unanimously.

ORDINANCE 4804: "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"

- C. **PROPERTY EXCHANGE**: Discussion and information on potential land trade between the City of Lewiston and Watco Railroad on property adjacent to the city's Water Treatment Plant - Action Item (Davies)

Public Works Director Davies explained that at its December 7th Work Session, the council authorized the mayor to sign a letter of intent for lease, purchase or exchange of land with the railroad. That letter was sent to Watco who replied that they would be willing to accept a land exchange. The city property to be exchanged is approximately 6,714 square feet, while the railroad property is about 6,058 square feet. After reviewing the potential value of the land, it was determined that the difference in square footage would be a small sum of money. Further, the city currently pays a monthly lease amount to the railroad of \$300 per month and with the property exchange, that lease payment would be eliminated. Mr. Davies said it is his recommendation that the Council authorize the swap of land. The documents would then be prepared, reviewed by the legal departments of both entities, and brought back to the Council for final approval.

D. **ITEMS MOVED FROM THE CONSENT AGENDA - ACTION ITEM**

1. **Vouchers Payable**

Councilor Bradbury questioned the purchases from Amazon, questioning the reason for not buying local. Administrative Services Director Marsh noted the items may not have been available locally or may have been purchased at a lesser price. Mr. Bradbury asked if the City has a policy in place to only purchase locally and Mr. Marsh indicated that it does not.

Mayor Pro Tem Schroeder moved and Councilor Bradbury seconded to approve the Vouchers Payable. *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 Blakey said he is waiting to hear from Engineering about Demolay Park and the 8-foot drop from Prospect. He asked if a solution for this dilemma was included in the bid. Public Works Director Davies indicated it was not included in the design plans as there are specific limits for this type of grant. Money would most likely have to come from Parks or from Engineering and Streets within a larger project in the future. Councilor

Blakey said he doesn't understand why there is not linkage from the park to a city street.

Mayor Collins noted that some of the councilors received an e-mail regarding the City of Nampa being declared a second amendment city. He asked for legal review as to what this means. City Attorney Gómez replied she would look into it.

B. CITY MANAGER COMMENTS

City Manager Nygaard requested an update from Assistant Planner Hollingshead on a project her Department has been working on. Ms. Hollingshead reported that she and others have been focused on a parcel project wherein 850 properties have been identified that are within 100 feet of water and sewer lines they could be hooked up to and are potentially large enough parcels wherein they could create a second lot, either standard or flag. Staff has been reviewing each property through GIS to check the house and shop placements to determine if it is feasible for the homeowner to split the land to make another lot to sale. Additionally, the properties are being reviewed to determine if there is room to expand to a duplex or accessory dwelling unit. The first round of letters has been sent to the property owners explaining options available, as well as a map noting how the property could be split. Responses are being tracked as they come back in.

Public Works Director Davies reported that the city's Water team is always looking at ways to improve the water system and be able to move water around the city as best as possible. A couple of weeks ago they were able to make a connection between Well 5 and the southwest reservoir, which is also used by Well 6. This connection will give the city the ability to pump water in the off season at roughly 600 gallons per minute and about 400 gallons per minute in the peak season. Additionally, it will allow less reliance on well 6. The Water staff did a great job to improve the water system and have saved the ratepayers additional costs.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

A motion was offered by Mayor Collins to appoint Linnea Noreen to the Historic Preservation Commission. Councilor Pernsteiner offered a second and it carried unanimously.

Mayor Collins then moved to appoint Edgar King to the Historic Preservation Commission. The motion was seconded by Councilor Kelly. With no objections, it carried 7 to 0.

It was moved by Mayor Collins and seconded by Councilor Bradbury to appoint Michael Follett to the Business Improvement District Board. The motion carried unanimously.

Mayor Collins moved and Councilor Bradbury seconded the appointment of Wendy Price to the Business Improvement District Board. The motion carried 7 to 0.

A motion was offered by Mayor Collins to appoint Doug Bauer to the Business Improvement District Board. Councilor Pernsteiner noted that the criteria for serving on the board is that the individual be a property owner within the Business District boundaries or who is a designated representative of a ratepayer. He read an e-mail from Nathan Alford of the Lewiston Tribune requesting Mr. Bauer be selected as he represents the Tribune. Councilor Pernsteiner then seconded the motion and it carried unanimously.

Mayor Collins moved to appoint Dennis Ohrtman to the Business Improvement District Board. Councilor Pernsteiner explained Mr. Ohrtman is also not a ratepayer within the Business District but does represent both the Nez Perce County Historical Museum as well as the Roxy Theater. Councilor Kelley offered a second. The motion carried 7 to 0.

It was moved and seconded by Mayor Collins and Councilor Bradbury, respectively, to appoint Joe Strohmaier to the Business Improvement District Board. The motion carried unanimously.

Finally, Councilor Bradbury moved to appoint Michael Follett, Wendy Price, Doug Bauer and Dennis Ohrtman to terms that would expire on December 31, 2023, and Joe Strohmaier to a term that would expire on December 31, 2022. Councilor Miller seconded the motion which carried 7 to 0.

D. AGENDA TOPICS - ACTION ITEM

Councilor Bradbury said he would like to discuss the parameters of what Councilor Comments can include. City Attorney Gómez noted that this is specifically addressed in Chapter 2, Article 2, of City Code. She noted that she would e-mail this information to the Council. Mayor Collins and Councilor Pernsteiner agreed this would be a good topic of discussion for a future meeting.

City Manager Nygaard reported he recently had lunch with Phil Altmeyer, Executive Director of the Union Gospel Mission in Spokane. If the Council would like, Mr. Altmeyer would be willing to attend a future work

session to outline the plans for a future UGM crisis shelter to be located in Lewiston. The council agreed.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Kelly and Schroeder moved and seconded adjournment of the February 8, 2021, Regular Council Meeting at 6:52 p.m.

Kari Ravencroft, Recording Secretary

Date approved by City Council