

**LEWISTON CITY COUNCIL
WORK SESSION MEETING MINUTES**

MARCH 2, 2020 – 3:00 PM

City Hall, Main Conference Room, 1134 F Street, Lewiston, Idaho 83501

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

STAFF MEMBERS PRESENT: Jana Gómez; Chris Davies, Kayla Hermann, Laura Von Tersch, Dan Marsh, Carol Mauer, Brittne Purington, Kari Ravencroft, Budd Hurd, Tim Barker, Travis Myklebust, Lynn Johnson, Shawn Stubbers, Bryan Lacey, Katie Hollingshead, Dawn Ortiz,

I. CALL TO ORDER

Mayor Collins called the meeting to order at 3:00 PM

II. PLEDGE OF ALLEGIANCE

City Attorney Gómez 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.

Steve Martin congratulated Library Director Johnson on how well she has done with the Library. He stated that the Normal Hill Cemetery needs more work and the budget has room for at least one more full-time employee to help take care of the property. Mr. Martin suggested that Narcan be made available to administer by first responders and police. Councilor Bradbury stated he is the liaison for the Cemetery Advisory Commission and there is progress being made on the Normal Hill Cemetery. Police Chief Hurd reported that police officers do carry Narcan in two different forms.

Gary Peters, Airport Authority Board Chairman, provided an update on the Airport Authority. He reported that they are 100% restored with the FAA in regards to the Airport Improvement Program (AIP) and Capital Improvement Program (CIP) and they passed the 139 inspection this year with zero discrepancies. He said the Satska Grant is currently being worked on for next year which focuses on community and sponsorship buy in, as well as stability and participation. Mr. Peters stated they had four different meetings with four different airlines in the month of March. He stated he does not feel now would be a good time to make any significant changes to the Airport Authority by amending the Joint Powers Agreement.

Mandy Miles, Vice Chairman of the Airport Authority Board, stated Chairman Peters is exactly what the airport needs and knows what it takes to get it on track. He feels that the Board is all on the same page and is well represented at this time and they are working with a consultant to get airlines back to the airport.

IV. WORK SESSION ITEMS

A. PARKS AND RECREATION: *Update on the state of Recreation/Cemetery (Barker)*

Parks and Recreation Director Barker presented an update with regard to the local and national state of Recreation as well as information for the budget process for FY'2021. He stated Recreation is no longer funded as a special revenue fund, but has moved to the general fund. Mr. Barker said that the Recreation Division has seen a decline in adult program participation and revenue is no longer sustaining the programs.

Mr. Barker provided an overview of the Senior Nutrition Program. He said the Program is contracted through the Area Agency on Aging (AAA) and they give a per meal reimbursement. He stated the Senior Nutrition Program charges five dollars per meal and has a four dollar suggested donation per meal for people age 60 and up, but federal law states people over the age of 60 cannot be charged. Mr. Barker stated that even after the Federal reimbursements of \$3.35 per meal, the program would need to bring in five dollars per meal to break even. Mr. Barker indicated there is a nutritionist who makes up the menu to ensure nutritional needs are being met. The largest deficit of the program comes from home delivery, with about two of every four meals provided utilizing the home delivery system. Councilor Blakey asked if there was a charge for the home delivered meals and Mr. Barker stated there is not and people have to be over the age of 60 to qualify through the Area Agency on Aging. Responding to a question raised by Mayor Collins, Mr. Barker explained that Nez Perce County provides \$2,000 per year to the Recreation Program, but no longer financially supports the Senior Nutrition Program.

Mr. Barker covered the staffing in the Recreation and Nutrition Divisions, noting that he does not plan to make any changes at this time. He stated the City needs to decide if Recreation should be operated as a business or as a service to the community. He then provided an overview of the Rec-Mobile program, noting this is a service provided for kids throughout the summer.

Mr. Barker provided recommendations regarding the budget for FY'21 with regard to Recreation and Senior Nutrition. He stated staff is working on a way to look at the budget to offset the costs of certain programs. Councilor Pernsteiner asked if the revenues from adult sports programs are covering their costs and Mr. Barker confirmed. He noted the difference from expense to revenue is due to the full time staffing. Councilor Miller suggested looking at some funding options in regards

to nutrition through the Lewis Clark Health Foundation at St. Joseph Regional Medical Center.

Administrative Services Director Marsh said that as the Council gets into their budget sessions, it will be important to determine if they would like to continue to fund such things as the swimming pools and senior nutrition program. He expressed the benefits of these important services while explaining the impact to the budget.

Mr. Barker provided an update on the neighborhood meetings and the topics that are going to be discussed. He stated the next meeting is scheduled for March 18, 2020, at Centennial Elementary at 6 p.m. wherein they will be discussing the future of Airport Park and if a portion of that park will be retained for that area of the city. Mr. Barker explained that in the Parks Master Plan, Walker Field is noted as a potential site for future park development. He stated the Parks Department is looking for feedback on these topics and continues to receive feedback on the development of the Community Park.

Mr. Barker provided an update on the work taking place at the Normal Hill Cemetery. He stated staff has been working to remove overgrown bushes and diseased trees at the site. This process has allowed the Department to take back control of the site, increase irrigation coverage, expose hidden headstones and be more efficient when maintaining the property. Mr. Barker stated they removed a row of hedges along 4th Street that will allow for placement of urn style headstones which will provide an additional 180 burial options. He stated that this year Parks and Recreation is planning to hire seasonal employees rather than participating in the inmate program. With the current five staff members, it takes a forty-hour work week to get through the entire cemetery grounds. Councilor Blakey stated he would be in support of a change in City Code to prevent planting of trees or bushes unless planted by the City.

Mr. Barker updated the Council on the progress of the improvements that are taking place at Orchards Pool. He stated there will be a new ADA ramp to provide better access to the front entrance, as well as new accessible shower and restroom facilities. Mr. Barker said staff will have a new point-of-sale (POS) system for passes and rentals to facilitate the purchases at the location rather than the main office. He noted that staff have been making some necessary improvements to the pool structure. Councilor Kelly asked if attendance at both pools have been consistent. Mr. Barker explained that attendance always depends on summer weather. Mayor Collins asked if Orchards Pool has the option to bring in revenue by hosting events such as swim meets. Mr. Barker stated The Neptune's, the local swim team, are the only group that run a swim meet in the area. He stated they have discussed supplemental options to try and bring in additional revenue. Councilor Blakey suggested looking into hosting swim meets for those from the surrounding area.

B. CAMINO PRESENTATION: Presentation on the new permit software being used by Community Development (Hollingshead)

Building Permit Representative Hollingshead provided a review of Camino, the new online permitting portal system being utilized by Community Development. She demonstrated how to access the online portal through the city's website. She stated the citizens can either seek information as a guest or create an account, and noted that only residential permits are being issued at this time. Ms. Hollingshead explained the Historic District application process and how the application is tied to the map. All forms on the portal are fillable and the resident is able to chat directly with the Permit Division if they have questions. Councilor Miller asked if the Department had any of the local contractors try the new portal and provide feedback. Permit Representative Hollingshead indicated that a couple of contractors are currently utilizing the portal so they don't have to come into the office. Responding to Mayor Collins, Ms. Hollingshead said the new system is definitely a time saver for staff.

C. DEVELOPMENT IN THE AREA OF CITY IMPACT: General update (Stubbers/Von Tersch)

Community Development Director Von Tersch provided an overview of the nitrate issue in the Lewiston Orchards soil. She reviewed the report regarding the septic, effluent and nitrate contamination in the various sewer districts of the Lewiston Orchards. DEQ, the state agency responsible for water quality, has spent the past ten years trying to narrow down the source of the nitrate contamination. She shared their findings which noted that nitrate concentrations are high where septic effluent is present. City Engineer Stubbers has determined that when the septic system density in an area ranges from .86 per acre to 1.1 per acre, the soil cannot handle it and consequently effluent gets into both the surface water and ground water. The City has consistently brought this issue up with Public Health and DEQ and asked Nez Perce County Planning staff not to approve a zone change from a 5-acre minimum lot to a 10,000 square foot lot adjacent to City limits utilizing septic systems. The zone change, however, was approved by NPC and the sub-development was posted and they are asking comments. Nez Perce County and Public Health are continuing to approve development in the City's Area of City Impact utilizing individual septic systems for waste disposal on lots of less than one acre. When this development is allowed at a lower density without services and without construction of platted rights-of-way, they have essentially removed the land for consideration of annexation and all adjacent lands beyond it. Annexation relies on contiguity; city limits cannot leap frog over county islands. Surrounding the City limits with unincorporated development will thwart City growth and increase future costs as large lots with single family homes do not pay proportionately the cost to upkeep streets and utilities.

Continuing, Ms. Von Tersch said that complicating the issue of development utilizing septic systems in the Orchards is the known surface and groundwater contamination in the Lindsey and Tammany Creek watersheds. As reported in DEQ's 2014 Nitrate Priority Area Delineation, this priority area is ranked the third highest (worst) in Idaho.

Septic system density, and by extension, unsanitary conditions and contamination, has been a known problem since the 1950's. Kimbell made these conclusions in 1995, causing the City to increase the minimum lot size on which a septic system could be installed to one acre. NPC allows septic systems on one-half acre lots, even newly created. DEQ has been studying this problem for over the last decade. As the studies have progressed, there is more data pointing to nitrate contamination from both functioning and non-functioning septic systems.

Community Development Director Von Tersch said given the history, City staff was shocked that Public Health recently approved a 16 half-acre lot development utilizing individual septic systems adjacent to City limits. In so doing, they ignored DEQ input saying a nutrient pathogen study must be completed prior to allowing additional septic systems. They also ignored City input that culminated in a meeting wherein this was discussed. City staff's recommendation was to require connection to the newly constructed sewer main and annexation.

Additionally, Ms. Von Tersch reviewed the attached recommendations from the City.

Councilor Bradbury complimented Ms. Von Tersch on her report and the recommendations that were listed. He agreed that the Public Health agreement needs to be addressed and a discussion with Nez Perce County regarding lot sizing requirements is warranted.

Councilor Blakey stated there was an agreement negotiated with the ACI for the City and Nez Perce County to work together to adhere to City standards in regards to adjacent property. He stated there are environmental impacts with the soil contamination issue and he asked City Attorney Gómez if there are legal ramifications regarding Nez Perce County and how they handle the lot sizes. City Attorney Gómez stated the Supreme Court states the City only has jurisdiction within City limits and not in the ACI. She said the City can make recommendations and consult with Nez Perce County regarding their ordinances.

Councilor Bradbury suggested meeting with Public Health staff regarding assessing the pathogens and the threat to the City. Councilor Pernsteiner asked if there are legal ramifications that can be taken if Nez Perce County and Public Health do not perform the nutrient pathogen study required by DEQ, noting that NPC is currently not performing this study. Councilor Bradbury stated that under the agreement with Public Health they should have to comply with the contract. Ms.

Von Tersch responded saying she feels the contract needs to be more specific as far as what is expected of Public Health and septic systems. Mayor Pro Tem Schroeder stated this is a matter of public health and a basic foundation for the City and needs to be rectified.

D. AIRPORT JOINT POWERS AGREEMENT: *Discussion regarding the requirements/make-up of the Board (Gómez)*

City Attorney Gómez provided an update regarding potential changes to the Joint Powers Agreement for the City of Lewiston and Nez Perce County and noted she would like to receive input from the Council on three particular items. First, item is to have the Airport Authority maintain 139 Certification, which allows commercial air service. She stated the Joint Powers Agreement acts as two documents at this time; the first being it creates the Airport Authority and the powers and duties of that authority; the second is that it acts as the lease agreement from the City of Lewiston and Nez Perce County to the Lewiston-Nez Perce County Regional Airport. She said the Joint Powers Agreement should be just the creation document. Mrs. Gómez said the second recommendation would be to pull out the provisions that relate to leasing of land from the Joint Powers Agreement and place it in an actual lease. She said the third item discussed was adding elected officials to the Airport Authority Board. She said the elected officials would be the City Mayor and the chairman from the Board of County Commissioners. She explained the board currently consists of five total members, two appointed by the City of Lewiston, two by Nez Perce County, and the fifth chosen by those four members.

Councilor Bradbury indicated that he agrees with the first two recommendations, but disagrees with adding elected officials to the Board. Councilor Bradbury agreed with the first two recommendations but does not agree with the third recommendation of adding elected officials to the board. He feels that the board is really working well and if elected officials are added they have a hard time not having conflict of interest. Mayor Collins and Councilor Blakey agreed with Councilor Bradbury.

Councilor Pernsteiner also agreed with Councilor Bradbury but recommended postponing this topic while the Authority continues to work on things. Responding to a question raised by Councilor Blakey, Mr. Peters said he believes it should be the Airport Authority's responsibility to maintain 139 Certification. City Attorney Gómez noted that this is not an urgent situation, but it will need to be addressed in the future. Mayor Collins said he would like to have a timeline established wherein the agreement could come back before the Council with all the recommended changes. Ms. Gómez suggested six to nine months.

V. UNFINISHED AND NEW BUSINESS

A. *CITY COUNCILOR COMMENTS*

Councilor Bradbury suggested a task force regarding Covic-19 be established. Fire Chief Myklebust commented that a regional meeting to discuss this topic has been scheduled for Monday wherein representatives from many organizations and the Emergency Management Office will be present. The North Central District Health Department will serve as the point of contact for both Washington and Idaho.

Mayor Pro Tem Schroeder asked what steps were being taken for the cruise ships with regard to the Corono Virus. Fire Chief Myklebust Travis replied that on a national level, there are processes that have been instituted and are being strictly followed. Councilor Bradbury suggested the Public Information Officer do everything possible to keep the public informed.

B. *CITY MANAGER COMMENTS*

Acting City Manager Dan Marsh provided a list of dates with regard to upcoming budget meetings and explained the process. Councilor Miller asked if a weekend date has been set to provide for a longer meeting. Mr. Marsh noted that at this point, it has not yet been determined if a weekend meeting would be needed.

Councilor Blakey asked if the Joint City/County meeting is still scheduled for March 23rd and Mr. Marsh confirmed. He explained the hope is to have two or three more joint meetings to discuss joint budget projects. Councilor Miller suggested a breakfast meeting with the Commissioners, noting that Moscow holds monthly meetings with their Commissioners and it works well.

C. *ADVISORY BOARD OR COMMISSION APPOINTMENTS*

Councilor Blakey suggested advertising for the opening on the Airport Authority Board.

Councilor Bradbury questioned the status of appointments to the Public Works Advisory Commission. Public Works Director Davies responded that advertising has taken place. Once an application is received and reviewed for potential appointment, then there would be enough members for a quorum.

D. *PROPOSED WORK SESSION TOPICS*

There were no new topics offered for future work session discussion.

VI. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Mayor Collins adjourned the March 2, 2020, Work Session at 5:14 p.m.