

MARCH 9, 2020

THE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Special meeting on Monday, March 9, 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.

Kevin Kelly cannot attend joint city county meeting on 24th.

I. ROLL CALL

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

II. PLEDGE OF ALLEGIANCE

Councilor Bradbury 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.*

There were no citizen comments offered.

IV. 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".

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

A. CITY COUNCIL MEETING MINUTES: 02/03/20 Work Session; 02/24/20 Regular

B. ADVISORY BOARD AND COMMISSION MEETING MINUTES: 01/15/20 Library Board

C. EMS AGREEMENT: *Considering an Emergency Services Agreement between the City of Lewiston, Medcor, Inc., and Clearwater Paper Corporation*

D. ADMINISTRATIVE PLAT - BOWMAN ADDITION: *Considering a two-lot subdivision located at 415 Linden Drive*

E. VOUCHER'S PAYABLE: *02/06/20 through 02/20/20 - \$2,680,822,495*

V. ACTIVE AGENDA

A. ORDINANCES

1. First Reading

a. Ordinance 4767

City Planner Plaskon said that Ordinance 4767 is a product of the Community Development Department's Strategic Plan presented to the Council in 2018. One of the Department's goals was to have a vibrant waterfront and the objective related to that was to create an incentive program to attract businesses to the waterfront area.

Councilor Bradbury said it is his understanding that whether somebody qualifies or not is at the sole discretion of the Council. He expressed concern that there were no specific qualifications or standards to make this determination. City Planner Plaskon explained that the individuals are guided by staff with regard to their particular situation and how their goals and objectives align with the Waterfront Plan. Mr. Bradbury noted the purpose of the program is to provide an incentive to commercial uses in the downtown core to relocate and have businesses replace them that are more conducive to what downtown is about. Mr. Plaskon clarified that the sole purpose is to provide an incentive to those businesses who self-identify as not being compatible to the objectives of the Waterfront Plan and would potentially like to relocate. He noted that staff could provide expedited permitting, a waiver of fees and staff support in identifying another location within the city for them to relocate to.

Councilor Pernsteiner questioned the purpose of the language on Page 3, Section 40-4, Item A, that states, "unless otherwise approved". Planner Plaskon said when an applicant applies for permits for construction, it would be at the Council's discretion to waive that requirement.

Mayor Pro Tem Schroeder and Councilor Miller moved and seconded approval of the first reading of Ordinance 4767.

Councilor Bradbury reiterated that he doesn't believe the Council is in a position to exercise its discretion. This should be an administrative decision and the guidelines should be very clear as to whether a business qualifies or they don't. For the Council to try to determine if a business is compatible with the Waterfront Plan is very bad government and falls under the "Good ol' boy" approach. By approving one application and denying the next, it could send the wrong message. Mr. Bradbury said he strongly objects to the proposed Ordinance.

Councilor Pernsteiner said he believes the Council is the body that often determines the gray areas. Though he believes there should be clear guidelines for the decision making process, the Waterfront Plan provides a good idea of what businesses would be best for this area. The decision isn't up to the Council arbitrarily as there are guidelines within the Plan. Mr. Pernsteiner added that the waterfront process was very open and it was the citizens and business owners who determined what downtown should look like. The proposed incentive is only an option for those businesses who want to move out of downtown, it only applies to a handful of folks, and the monetary support is limited.

Councilor Miller noted the decision of the Council would be quasi-judicial so the entire Council would be making their decision based on the same information. She said the Council is held to a certain standard and guidelines are within the Waterfront Plan on which to base those decisions. Ms. Miller noted the City has other incentive programs in place to support economic development so this is not a new approach. Councilor Bradbury indicated that this is not a quasi-judicial hearing and there are no specific standards outlined.

Mayor Pro Tem Schroeder reiterated that the incentive program is for people that are self-identifying as those that wish to move out of the downtown area because they don't feel they fall under the guidelines established by the Waterfront Plan. She noted that this will not cause issues and stated she is in full support of the incentive program.

Councilor Blakey called for the question and Mayor Pro Tem Schroeder offered a second. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury.*

The motion to read carried. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury.*

ORDINANCE 4767: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING VARIOUS SECTIONS IN CHAPTER 40, ARTICLE 1 OF THE LEWISTON CITY CODE REGARDING THE ECONOMIC AND COMMUNITY DEVELOPMENT INCENTIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE"

2. **Second and Third Readings**

a. **Ordinance 4769**

Mayor Pro Tem Schroeder moved to combine the second and third readings of Ordinance 4769 and to waive the third reading in full. A second was offered by Councilor Pernsteiner and carried unanimously.

A motion was then made by Mayor Pro Tem Schroeder and seconded by Councilor Pernsteiner to approve the second and third readings of Ordinance 4769. The motion carried 7 to 0.

ORDINANCE 4769: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC19-000001, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE AGRICULTURAL TRANSITIONAL (F-2) ZONE AND INCLUDED IN THE LOW DENSITY RESIDENTIAL (R-2A) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE"

3. **Adoption and Approval of Ordinance Summary**

a. **Ordinance 4769**

Mayor Pro Tem Schroeder moved to adopt Ordinance 4769 and to approve the related ordinance summary. The motion was seconded by Councilor Pernsteiner. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- B. **REASONED STATEMENT ZNC19-000001:** *Considering the approval of the Reasoned Statement for Ruvin Kuznetsov for approximately 2.39 acres of undeveloped land southeast of the intersection of Quail Run Drive and 16th Street*

Following a motion and second from Councilor Blakey and Mayor Pro Tem Schroeder, the Reasoned Statement for ZNC19-000001 was approved by a vote of 7 to 0.

C. WR047 WATER SYSTEM MODIFICATIONS AND UPGRADES
ADDITIONAL SERVICES #2 - WELL 7: *Considering approval of an agreement between the City of Lewiston and J-U-B Engineers, Inc., in the amount of 992,780.*

Engineering Projects Supervisor Bailey explained the City Council approved a \$462,580 Professional Services Agreement between J-U-B Engineers, Inc., and the City in February 2019 for Water System Modifications & Upgrades. This initial PSA was for preliminary engineering for new Well 7, Well 6 modifications, 21st Booster Station and Southport No. 1 Booster upgrades, and new Southeast Reservoir. Well 7 will supply the south high reservoir which has the ability to provide water to the entire system. Preliminary engineering for Well 7 is nearly complete. The next steps are to complete the final design, bidding, construction for site access, drilling and well completion.

Replying to a question asked by Councilor Bradbury regarding how the design and construction are broken down, Ms. Bailey explained the design for Well 7 is \$395,700, construction management services are \$507,080 (inspection, construction engineering and administration) and there is a reserve of \$90,000 for other items that may arise during the project. She noted that the construction contract is separate and is estimated at roughly \$6.7 million. Councilor Bradbury asked for confirmation that no actual construction would take place with the requested \$992,780 and Engineering Projects Supervisor Bailey confirmed.

Councilor Kelley asked if this project was budgeted. Ms. Bailey indicated that it was and is in the budget as an SRF funding loan that will be debt financed.

Councilor Bradbury asked if this was put out to bid. Ms. Bailey explained that Requests for Qualifications were sent out and J-U-B Engineering was selected in February of 2019 by a vote of the City Council. She noted that it is against State law to put engineering and architectural services out to bid.

A motion was made by Councilor Schroeder and seconded by Councilor Blakey to approve the WR0478 Water System Modifications & Upgrades, Additional Services #2 WR059 Well 7 in the amount of \$992,780 between the City and J-U-B Engineers, Inc. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury.*

**D. WR047 WATER SYSTEM MODIFICATIONS AND UPGRADES
ADDITIONAL SERVICES #3 - SE RESERVOIR**

Engineering Projects Supervisor Bailey explained the Southeast Reservoir will be a ground level storage reservoir in the southeast zone. This reservoir is required to provide sufficient storage for development in the next five years. Preliminary engineering for the Southeast Reservoir is nearly complete and the next steps are to complete final design, bidding and construction. Additional Services #3 will be SRF debt financed.

Councilor Blakey asked if there will be a point wherein the public can comment on this. Ms. Bailey said staff was not planning on a public comment period for this project. The site has been determined on the south side of the high school.

As a matter of clarification, Councilor Bradbury said he understands with this project and the project noted above, the Council would be authorizing about \$1.85 million just to design and monitor construction of two wells. Ms. Bailey explained it is for new Well 7, a new reservoir and booster station.

Mayor Pro Tem Schroeder and Councilor Kelly moved and seconded, respectively, approval of the agreement between the City of Lewiston and J-U-B Engineers, Inc., in the amount of \$873,150. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury*

E. ITEMS MOVED FROM THE CONSENT AGENDA

There were no items moved from the Consent Agenda.

VI. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Miller announced that the Youth Advisory Commission (YAC) would be meeting for their regular meeting on March 11th at 3:30 p.m. She reported the group is planning an engagement event with the high school and junior high schools so that administrators, teachers and students know who their youth representatives are and that they serve as a conduit to the Lewiston City Council. She noted the event runs from 5 to 7 p.m. and the public is invited to attend.

Councilor Blakey said he attended the Civic Theater Fundraiser event on Saturday and noted there was a great turnout and a tremendous amount of public support. He also stated that the Library Foundation Gala is scheduled for April 18th and tickets are available.

Councilor Bradbury addressed the Corona Virus. He said Lewiston is a five-hour drive from the epicenter of what will become a pandemic in this nation. He expressed concern that the City does not have test kits available, the proper uniforms for first responders, or a location to quarantine individuals. Mr. Bradbury said he believes these are issues that should have been addressed two months ago. Everyone is in peril because there is no ability to provide strong executive direction. He asked that this topic be scheduled for the next meeting.

Mayor Pro Tem Schroeder said she attended the recent Save the Bollinger presentation at the Community Center. She noted that they did a great job of visualizing possibilities and she applauded them for their efforts, but noted that things are still a long way out into the future.

In response to Councilor Bradbury's comments, Fire Chief Myklebust indicated that first responders in Lewiston have adequate protective equipment. He said that he and many others throughout the City have been planning for a possible "event" for the past month. This has included tabletop exercises, practice transports with the isopod and numerous meetings including a meeting earlier in the day with the Health Department, medical facilities and physicians, to name a few. These facilities have test kits and a process for sending them in. He said he is very pleased knowing the community, valley and entire region are planning and doing a great job. Mr. Myklebust noted that the Dispatch center has protocols in place to ask additional questions before first responders arrive at the scene. Because this situation is literally changing by the hour, he noted that planning will continue to ensure everything is in place if needed.

Councilor Bradbury said he believes everyone in the City is doing everything they can, but expressed concern that neither the City Manager nor the Fire Chief have the ability to commit the City for any type of cooperative pact with other counties. Mr. Myklebust replied that there are already mutual aid agreements in place with surrounding counties and cities and those relationships work very well.

Councilor Bradbury then asked who is in charge of the Region with regard to Covid19 that can inform others within the Region of their responsibilities. Chief Myklebust said it is Carol Moehrle at the North Central Regional Health Department who gets direction from the Governor. He added that he has jurisdictional responsibility within the City of Lewiston to provide EMS services. In terms of the test kits, Councilor Bradbury asked if test kits are available. Chief Myklebust replied that he was told at the meeting today that they are available and in fact, tests have already been performed, sent in and returned as negative. Mr. Bradbury questioned where individuals will be quarantined if needed. Chief Myklebust said each City has their own designated areas. He noted that once patients are delivered to the hospital, it is out of the Fire Department's realm and up to that facility to quarantine if necessary.

B. CITY MANAGER COMMENTS

Acting City Manager Vontersch said that staff is planning for Covid19. This is an interesting exercise and staff is reviewing things like working remotely, if there is adequate equipment in place, who can and cannot work from home, if and when buildings should be closed, etc. She said this is a very fluid situation so as circumstances change, the City's response will change.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

Mayor Pro Tem Schroeder announced there is an interview scheduled with an applicant for the Planning & Zoning Commission on Wednesday afternoon.

D. AGENDA TOPICS

Councilor Kelly asked that the new Airport Manager be invited to a future Council meeting for an introduction.

VII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Mayor Pro Tem Schroeder moved and Councilor Blakey seconded adjournment of the March 9, 2020, Regular Council Meeting at 6:57 p.m.

Kari Ravencroft, Recording Secretary

Date approved by City Council