

## MARCH 23, 2020

**T**HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, March 23, 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; Miller; Pernsteiner.

### II. PLEDGE OF ALLEGIANCE

Mayor Collins 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.*

Mayor Collins read a letter from Dennis Ohrtman expressing support for the Bid Award for the Lewiston Library Rooftop Event Space and Multi-Purpose Room on this evening’s agenda.

Steve Cooper addressed the wonderful dispatch services this community and surrounding areas receive from the Lewiston Police Department, Nez Perce County Dispatch Center and the Sheriff’s Department. He said he believes these services would only improve if combined into one single dispatch center and encouraged the Council to incorporate this discussion into the upcoming budget sessions and Strategic Plans of the City. Mr. Cooper expressed concern that LPD’s dispatch equipment is located in the basement of the police station, which sits in a flood plain, and urged its relocation. He encouraged the Council to utilize the skills and talents of Chief Hurd, Chief Myklebust and Sheriff Rodrigues to lead this discussion.

Councilor Bradbury thanked Mr. Cooper for his suggestion. He said he believes a joint dispatch center would not only be more economical, but would also be better coordinated and more efficient.

Councilor Pernsteiner offered a motion to remove the second and third readings of Ordinance 4767, as well as its adoption and approval of the Ordinance Summary, from the agenda. Mayor Collins seconded the motion. Mr. Pernsteiner indicated that the Council and staff are likely headed into a much broader discussion of economic development and what will need to be done as a

community to combat it head on. He said he would like to remove this item so that it can be discussed in a broader sense at a later date. The motion carried unanimously.

#### IV. PRESENTATIONS AND PUBLIC HEARINGS

A. PRESENTATION: *Presentation of a plaque to Kevin Kelly for his service on the Planning & Zoning Commission (Collins)*

Mayor Collins presented Councilor Kelly with a plaque and thanked him for his two years of service on the Lewiston Planning & Zoning Commission. Mr. Kelly said it was his pleasure to be a part of this Commission and he thanked everyone for guiding him through the learning process.

B. FINANCIAL PRESENTATION - JANUARY 2020 REPORT: *Provided to Council in accordance with Idaho Code 50-208 - No oral presentation*

Councilor Pernsteiner reported that Governor Little announced a delay of state property taxes. He asked if this will impact City budgets. Administrative Services Director Marsh replied that he is not anticipating any impact at this time, but it is a very fluid situation. He indicated that the next property tax check is expected from Nez Perce County in July and wouldn't be surprised to see it an impact reflected in that payment.

C. PUBLIC HEARING: CPA20-000001 AND ZNC20-000001: *Accepting testimony on a request to amend the Comprehensive Plan Land Use Designation from Mixed Use Planned Unit Development Low Density Residential to Low Density Residential and rezoning from Wilson Planned Unit Development (PUD) to Low Density Residential (R-2) of approximately 9.45 acres located on the west side of 4<sup>th</sup> Street west of Park Drive and south of Walker Field.*

Noting this was the time and place advertised for the public hearing regarding CPA20-000001 and ZNC20-000001, Mayor Collins declared the hearing open and asked that a staff report be provided.

City Planner Plaskon presented maps and explained that Mr. Steve Carlton desires to rezone approximately 9.45 acres on the west side of 4<sup>th</sup> Street south of Walker Field in order to develop the property with single family and two-family dwellings, which would not be a Mixed Use Planned Unit Development (PUD). The Comprehensive Plan explicitly states that the subject property should be developed as a Mixed Use PUD. The property is also designated on the Future Desired Land Use Map as both Mixed Use PUD and Low Density Residential and is the only area in the City with a Mixed Use PUD land use designation.

Continuing, Mr. Plaskon said the subject property is currently zoned Wilson Planned Unit Development for what was, in 2003, supposed to have been a 174,000 square foot professional and medical office complex. No other development of the property can occur under that current zoning. Application CPA-20-000001 would remove the subject property from the Mixed Use PUD designation of the Comprehensive Plan, leaving it designated as Low Density Residential. Application ZNC20-000001 would remove the property from the Wilson PUD Zone and place it in the Low Density Residential (R-2) Zone. These actions would allow the subject property to be developed with the single and two-family dwellings intended by the applicant.

Planner Plaskon noted that the Planning & Zoning Commission conducted a public hearing and have recommended approval.

In response to a question raised by Mayor Collins, City Planner Plaskon explained that should the Council approve these applications, then the applicant would formally submit a preliminary subdivision plat to create the lots on which the housing would be built. The plat would also show the proposed layout of the streets and the lots. This would then go back to the Planning & Zoning Commission and to the Council for their review and decision. Maps would not be distributed to the neighboring properties, but would be made available through these two processes.

Councilor Blakey raised a question regarding the proposed number of units and the required parking. Mr. Plaskon said his understanding is there would be 14 duplex lots that would result in 28 dwelling units and an additional 16 single-family homes. This development proposes 44 potential units, all of which would be compliant with a rezone to R-2. Planner Plaskon noted that each residence would be required to provide a minimum of one parking space per bedroom, up to a maximum of four.

Mayor Collins asked for testimony either in favor or against the request. Steve Carlton, developer, said he has constructed numerous three-bedroom, two bath condos, houses, duplexes, etc., some of which are located on Cedar Avenue and Birch Avenue. The proposed duplexes would be located on 10,000 square foot lots and the entire development would be a quality addition to the neighborhood.

Bob Kessler said this project is right outside of his front door. He noted he is present to lend cautious support for the proposal as long as the City requires that all rules and regulations be met with regard to the inclusion of curb, gutter, sidewalks, lighting, and fire protection. He also noted there may be issues with additional traffic on 4<sup>th</sup> Street.

There being no further testimony, Mayor Collins closed the public 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 asked that the Vouchers Payable be moved to the Active Agenda for discussion.

Mayor Pro Tem Schroeder and Councilor Kelly then 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:** 02/10/20 Special Work Session; 02/24/20 Special Work Session; 03/02/20 Work Session; 03/09/20 Regular
- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** 01/16/20 and 02/06/20 Historic Preservation Commission
- C. **RESOLUTION 2020-10:** Considering acceptance of a Dedication of Right-of-Way from T and BB Properties, LLC to the City of Lewiston
- D. **VOUCHER'S PAYABLE:** 02/21/20 through 03/05/20 - \$1,372,766.83 - **Moved to the Active Agenda as Item IV. H.**

VI. **ACTIVE AGENDA**

A. **ORDINANCES**

1. **First Reading**

a. **Ordinance 4770**

Fire Chief Myklebust reported that last year the Fire Department provided an update to Council on the system used to track all third party inspections for fire protection systems in the City. It was explained that the Fire Code only held the owners of the systems accountable, however as staff has gained more experience with the system, they were seeing that this was sometimes unfair to the business owner. Mr. Myklebust said it is important that the contractors be held accountable for their responsibilities too. In addition, requiring anything being submitted to the Fire Department must be accurate and true. Therefore, Ordinance 4770 clarifies the

process for red tags, when visible alarm notifications are required and that electricians can pull wires for fire alarm systems.

Councilor Pernsteiner questioned the requirement of an ICT Level 3 design. Chief Myklebust explained the Fire Code states a national standard can be used and this requirement gives some clarity to the providers.

Mayor Pro Tem Schroeder and Councilor Pernsteiner moved and seconded approval of the first reading of Ordinance 4770. The motion carried unanimously.

**ORDINANCE 4770:** "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 15-1.1 OF THE LEWISTON CITY CODE REGARDING AMENDMENTS TO THE 2015 INTERNATIONAL FIRE CODE, AMENDING SECTION 15-2(g) REGARDING BLASTING PERMITS, AND PROVIDING AN EFFECTIVE DATE"

***b. Ordinance 4771***

A motion was offered by Mayor Pro Tem Schroeder to approve the first reading of Ordinance 4771 by title only. Councilor Blakey provided a second.

Councilor Pernsteiner noted that this is exactly the type of infill that is needed for the housing stock in Lewiston, stating that it is a great project.

Mayor Collins asked if development would potentially require Mr. Carlton to make improvements on 4<sup>th</sup> Street, Bryden Avenue or Stewart. Planner Plaskon said that based on his experiences, the development would not trigger any off-site improvements.

The motion to read carried 7 to 0.

**ORDINANCE 4771:** "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC20-000001, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE PLANNED UNIT DEVELOPMENT (WILSON PUD) ZONE AND INCLUDED IN THE LOW DENSITY RESIDENTIAL (R-2) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE"

2. Second and Third Readings

a. Ordinance 4767

By means of a motion made earlier by Councilor Pernsteiner, this item was removed from the agenda.

**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""

3. First, Second and Third Readings

a. Ordinance 4774

It was explained by City Attorney Gomez that the Council was provided with two drafts of the Ordinance. Currently the definition for the Director of Civil Defense states that this would be whoever is appointed by the Mayor. Ms. Gómez said she recommends that the City Manager be specifically named as the Director because he has the authority to enforce quarantine orders. Secondly, she said she would recommend repealing Chapter 12 of the City Code as it was adopted in 1960 for civil defense under State law and has since been repealed. The City and Nez Perce County currently have a joint plan in place for this purpose. With regard to the loyalty oath, it is no longer required by State law so the recommendation is to repeal.

Continuing, City Attorney Gómez explained that Public Health Emergency Orders would authorize the Director of Civil Defense to establish advisory orders, social distancing orders, isolation orders and quarantine orders. She outlined the purpose of each. Before an advisory or social distancing order could be issued, the City Manager would be required to send a note to the Council informing them of such an order. Ms. Gómez outlined the penalty and appeal processes, posting requirements, exclusions, suspension of Council and Board and Commission meetings, and the waiver of city policies or portions thereof.

Under each scenario provided, Ms. Gómez explained that the City Council would be able to veto any order issued by the City Manager. Currently Chapter 12 states that any orders issued by the City Manager must be authorized by the Council. Under an order of suspension, language was added which states that the Council must

either confirm or veto the suspension as soon as possible. In the second ordinance, Ms. Gómez said she removed the requirement for Council authorization in order to allow the task to be accomplished quickly during an emergency. She indicated that she would need Council direction as to which document they would prefer.

The Council provided consensus to move forward with the Ordinance wherein no confirmation of the City Council is required.

Mayor Pro Tem Schroeder moved to combine the first, second and third readings of Ordinance 4774 and to waive the third reading in full. A second was offered by Councilor Blakey and carried unanimously.

A motion and second were then made by Mayor Pro Tem Schroeder and Councilor Blakey, to read Ordinance 4775 for the first, second and third times by title only.

Councilor Bradbury said he has read the statute and noted that cities may establish a board of health, pass all ordinances and resolutions necessary to prevent public health, etc., within five miles of the City. He indicated the Code states that the Council has the authority to rule in almost everything other than taxation within that five-mile distance from the city. Mr. Bradbury said it is the Council's job, as members of a governmental agency, to prevent the spread of the virus and that is done by limiting occasions for spread. The proposed ordinance deals only with responding to those exposures or infections that have been determined. In terms of protecting people's interest, the Council should determine if it is going to prohibit eviction for non-payment of mortgages or rent, shut off electricity, fund the food bank, and empower the Director to limit the number of people that can congregate in one location. Councilor Bradbury emphasized that this is the greatest threat to life and health since the 1918 flu epidemic.

Though City Attorney Gómez agreed with some of the comments offered by Councilor Bradbury, she emphasized that the City does not have unfettered authority to do whatever it wants. No laws, rules or regulations can be made that are inconsistent with State law and the City does not have complete control over everything that happens. Councilor Bradbury disagreed.

Councilor Pernsteiner discussed Council authority versus City Manager authority under the proposed Ordinance. Councilor Blakey expressed his support for Council providing direction with regard to

issuance of orders. In response to comments offered by Councilor Pernsteiner, City Attorney Gómez explained that if an order is issued by the City Manager, then individuals could appeal it to the City Council if they disagreed. If the Council were to issue the orders, then people would have nobody in which to submit an appeal.

In light of the explanation provided by the City Attorney, Councilor Pernsteiner said that because the City Manager works at the pleasure of the Council, he is comfortable keeping the language as is. City Manager Nygaard added that the Council would still have the authority to create law which would then be enforced by the City Manager.

Councilor Bradbury said that because time is of the essence, he would rather have the Mayor or City Manager have the power. Either the Council trusts in the Manager's judgment or it doesn't. He stressed that he does not want to wait any longer and would like to get the Ordinance into place. Councilor Blakey agreed.

Councilor Miller said she has heard a lot about employers who are taking no precautions. She urged those essential businesses to look at how to operate safely and to protect their employees. She encouraged remotng into all meetings where it is possible, take every step to lessen the risk and to lead by example.

Mayor Collins emphasized that it is important for the Director to have the power to do whatever is necessary to protect the public.

Councilor Miller moved to call for the question. The motion failed for lack of a second.

Councilor Bradbury offered an amended motion to change the wording of Section 12-8(1) to read, "To make and issue orders, rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster". Councilor Pernsteiner seconded the motion and it carried unanimously.

An additional amendment to Section 12-25(e)(2), Consideration of Appeal, was offered by Councilor Bradbury to change 7 calendar days to 3 calendar days from the date of the hearing. The motion was seconded by Councilor Pernsteiner. Following discussion, Councilor Bradbury withdrew his amendment.

Mr. Bradbury then submitted an amendment to Section 12-25(e)(2), Consideration of Appeal, to strike "7 calendar days" from

line 2 and to add language that would read, “the City Council shall hold a hearing on the appeal as soon as possible, but no later than five calendar days from the date the notice of appeal was filed with the City Clerk”. Councilor Blakey provided a second and the motion carried 7 to 0.

With regard to issuance of the decision of the appeal, Councilor Bradbury then made an amended motion to change the language to read that the decision should be issued within 24 hours of the date of the hearing and that decision shall be final. Upon further discussion, the motion was withdrawn.

Councilor Bradbury then moved to amend Section 12-25(e)(2) to read, “The City Council shall issue a decision as soon as possible, but no later than three calendar days from the date of the hearing, and such decision shall be final. The motion was seconded by Councilor Pernsteiner and carried unanimously.

Councilor Bradbury stated that currently Section 12-25(f) of the ordinance lists the penalty of violating any provision of the directive as a misdemeanor. He moved to amend the language from misdemeanor to a civil monetary penalty not to exceed \$1,000 for each day of the violation. Councilor Pernsteiner seconded the motion. After further discussion, the motion carried 5 to 2, with Councilors Blakey and Miller voting nay.

Councilor Pernsteiner offered an amendment to remove the word “all” from Section 12-25(b)(2)(c) as well as from Section 12-27(c)(1)(c). He said he wants to ensure that the Order is posted on the city’s social media accounts but believes the word “all” should be deleted. The motion was seconded by Councilor Bradbury. City Attorney Gómez suggested that language be included which says, “a copy of the order shall be sent to Public Health North Idaho”. Both Councilors Pernsteiner and Bradbury agreed to change their amendment and second to include the recommended language. The motion carried 7 to 0.

Councilor Pernsteiner offered an amended motion to strike “Suspend regular meetings of the city council and” from Section 12-27(a)(3). Councilor Bradbury seconded the motion. Mr. Pernsteiner said he does not believe the City Manager should be able to deny the council from holding meetings and possibly losing its ability to govern. The motion carried unanimously.

Councilor Pernsteiner said he very much appreciates the efforts of the City Attorney and City Manager who spent a great deal of time working on this document over the weekend.

The motion to read carried unanimously.

ORDINANCE 4774: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING AND ENACTING VARIOUS SECTIONS OF CHAPTER 12 OF THE LEWISTON CITY CODE RELATED TO DISASTERS AND CIVIL DEFENSE; APPOINTING AND AUTHORIZING THE DIRECTOR OF CIVIL DEFENSE TO ACCEPT SUPPLIES, MATERIALS, AND MONEY OFFERED BY THE FEDERAL GOVERNMENT; MANDATING THIS ORDINANCE BE POSTED ON THE CITY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION; VOIDING ALL CITY REGULATIONS THAT ARE IN CONFLICT WITH THIS ORDINANCE; MANDATING THAT A SUMMARY OF THIS ORDINANCE BE PUBLISHED IN THE NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE"

4. *Adoption and Approval of Ordinance Summaries*

a. *Ordinance 4767* - This item was removed from the agenda

b. *Ordinance 4774*

Mayor Pro Tem Schroeder moved to adopt Ordinances 4774 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.*

Councilor Bradbury offered a motion to move the Library rooftop event space and multi-purpose room discussion to this point in the agenda so individuals present would not have to wait any longer. The motion was seconded by Councilor Pernsteiner and carried unanimously.

E. *BID AWARD: IFB-20-005 LEWISTON LIBRARY ROOFTOP EVENT SPACE & MULTI-PURPOSE ROOM*: *Considering the award for construction to Mangum Construction, LLC, in the total amount of \$625,000 for Base Bid and Alternate No. 1*

Library Director Johnson explained that Phase 1 of the library remodel project (2012-2013) included new columns, beams and footings to accommodate the future weight load of a roof paver system and increased occupant load of the rooftop space. For Phase 2 (2016-2017), the rooftop event space was broken into

smaller parts and included as additive alternates in the invitation for bid. Funding was not available to complete all of the alternates at that time, though some work was completed in preparation of the rooftop space, such as high density rigid insulation and thicker membrane for the roof and structural connections installed and sealed to minimize future need to penetrate the new roof membrane. This bid continues work on the rooftop space.

Ms. Johnson said that three bids were received on March 5, 2020. Mangum Construction, LLC submitted the lowest bid for Base Bid and Alternate 1 in the amount of \$625,000, which is lower than the architect's estimate. Staff and Castellaw Kom Architects have reviewed the bid for specification compliance.

Addressing budget impact, Library Director Johnson noted that \$500,000 is budgeted for this project. Architect services, permits and advertising expenses will also come from this budget. The Library Foundation will provide full funding for this project and a budget amendment will be needed for the additional revenue and expenses.

Marcia Creason, Library Foundation, reported that the Foundation has worked extremely hard to get this project completed. Lewiston continues to look for ways to stand out amongst other Idaho communities and the outdoor space and performance center will be an amazing addition to the Library. Because the facility is closed, this is a great time for construction. The proposal is to use a local contractor with local fundraising from local people. The Foundation has provided unwavering support in every aspect of the Library and has always been committed to fully funding its portion. Ms. Creason said the Foundation has all the money it needs for the rooftop gallery if the base bid is approved. However, 15 individuals have each signed for \$10,000 lines of credit which will provide the additional \$150,000 needed to include the performance center. The Foundation's proposal is for the Council to accept the base bid and Alternate 1.

City Manager Nygaard said just as the City would with any contract it would issue, it needs to ensure the full amount of money is in place before approval. Ms. Creason replied that she didn't understand it that way, adding that the Foundation has never been a day late in providing any money that is asked of them. She asked for the City's leniency in providing a couple of months to do a bit more fundraising for additional donations.

Councilor Blakey said it would be a much cleaner process if the 15 individuals exercised their lines of credit and the check of \$150,000 be delivered to the city. Ms. Creason noted that when the second floor construction took place, the City did not have the full million dollars from the Foundation before the project began.

Mayor Collins stated that based on the past practices of the Foundation, he has no doubt they will come through with the needed funding and he wouldn't question their ability to pay. Administrative Services Director Marsh explained the City entered into a partnership with the Foundation many years ago and has not required all of the money to be on hand for past projects. He suggested that a letter from the bank certifying that the lines of credit are in place would be prudent.

Mr. Nygaard said the issue isn't the fact that the City doesn't have the money, but rather it doesn't have the guarantee of the money. This project obligates the City for \$625,000 and it is important the Council realizes they would be taking a \$135,000 risk if they approve the contract.

City Attorney Gómez indicated that if the Council were to approve the contract, they would be obligating the City to the base bid and Alternate 1. Because the bids are good through April 20<sup>th</sup>, she suggested that the contract with Mangum for the base bid only be approved tonight and an arrangement made with the Library Foundation guaranteeing that when they received the additional funds needed for the Alternate, it would be paid to the City. The Council would then have up to April 20<sup>th</sup> to award the Alternate.

Councilor Bradbury said he is in favor of awarding the entire project. The Foundation raised \$600,000 and gave their word on both the first and second floor projects and came through on each. He expressed concern for making it more difficult for the Foundation. Mayor Collins and Councilor Kelly agreed.

Councilor Kelly moved and Mayor Pro Tem Schroeder seconded approval of the agreement between the City of Lewiston and Mangum Construction, LLC, in the amount of \$625,000 for the Base Bid and Alternate No. 1. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

**B. RESOLUTION 2020-11: *Considering approval of the Federal Transit Administration Fiscal Year 2020 Certifications and Assurances***

Transit Manager Seigneur explained that the City is the recipient of funds from the Federal Transit Administration (FTA) grant program. Contract requirements include the provision of the annual adoption of the 2020 Certifications and Assurances consistent with federal law and the City has adopted these annually since 2009. Ms. Seigneur said Federal grant requirements include the annual adoption of the Certifications and Assurances for compliance with Federal law and the FTA 2020 Master Agreement. In order to annual receive the City's 5307 fund allocation, the adoption of these Certifications and Assurances is necessary.

Following a motion and second from Councilor Pernsteiner and Mayor Pro Tem Schroeder, Resolution 2020-11 was approved. *ROLL CALL VOTE: VOTING*

AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.

**C. WR051 WATER TREATMENT PLANT RETROFIT OWNER'S ADVISOR FIRST ADDENDUM FOR PHASE 1B: Considering approval of an agreement between the City of Lewiston and Brown & Caldwell in the additional amount of \$118,501**

Councilor Bradbury said he doesn't understand why the City is paying an outside engineering firm to provide these services when Public Works should be doing it. Public Works Director Davies noted that his Department does not have the staff, time or expertise. Mr. Bradbury noted that an Engineer could be hired for \$105,000 annually and Mr. Davies explained the needed engineering services are extremely specific and technical. To have a full-time employee for this doesn't make sense. City Manager Nygaard added that the City has never done a design build of this magnitude. Staff is counting on the engineer's expertise to design and manage this project that will save money down the road.

A motion was made by Mayor Pro Tem Schroeder and seconded by Councilor Blakey to approve the First Addendum to the Professional Services Agreement between the City of Lewiston and Brown & Caldwell. ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury.

**D. PROFESSIONAL SERVICES AGREEMENT: Considering approval of the agreement between the City/State/HDR Engineering for intersection improvements at 17<sup>th</sup> Street and 16<sup>th</sup> Avenue**

Public Works Director Davies reported that this project was extended for two additional months due to delays in getting the equipment. The additional charge was to be used to finish the inspections and would have required another 11 days. At this point, Mr. Davies said the amendment and no additional dollars are needed. The project is complete at an approximate cost of \$700,000 with the City's match being 7 percent. Because the city's portion of the previously requested \$100,000 amendment was only 7 percent, there would have been no cost savings by hiring an on staff engineer.

Councilor Bradbury said he doesn't believe that any member of the Council would pay this much for an engineer to perform they did and said it is time to get over that psychology.

There was no motion as there was no longer a need for the Professional Services Agreement.

- F. **RESOLUTION 2020-12:** *Considering the declaration of Ferguson Enterprises, LLC as the only reasonably available vendor of Sensus Water Meters and Associated Hardware, Software, and services for Fiscal Years 2020 through 2029*

Public Works Director Davies reported that in 2015, the City started a meter replacement program because the majority of the meters within the water system were 15 to 20 years old. At this age, the meters begin to slow down and revenues are lost. Council approved the new technology and Ferguson still serves as the sole source for this equipment. Assuming they continue to be the sole source, the City can use the Sensus meters until at least 2029.

Mayor Pro Tem Schroeder moved to approve Resolution 2020-12. The motion was seconded by Councilor Pernsteiner and carried. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- G. **RFP AWARD: RFP-20-007 - CITY VEHICLES:** *Considering an award for City Vehicles to Rogers CDJR in the total amount of \$386,490 for twelve vehicles*

Administrative Services Director Marsh explained that rather than using a straight bid this year, staff issued a Request for Proposals (RFP) so factors other than simply acquisition price could be considered for award. Evaluation factors included cost, fitness for intended use and overall responsiveness to the RFP. Specifications for 12 vehicles for various departments/divisions were placed on the City's website and notification of the proposal opportunity was e-mailed to local vendors as well as those on the website's notification list. Four proposal packets were received on March 12, 2020. The proposals were scored and staff is recommending that the Council award all vehicles to Rogers CDJR in the total amount of \$386,590.

Councilor Kelly asked if the vehicles would be under warranty. Mr. Marsh confirmed, noting that was one of the scoring points used in the proposals. While vehicles are still under warranty, Service Center employees try to send them back to the dealerships for them to perform the necessary work.

It was moved by Mayor Pro Tem Schroeder and seconded by Councilor Pernsteiner to award RFP-20-007 to Rogers CDJR and authorize City staff to proceed with purchasing the vehicles following the protest period. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

- H. **ITEMS MOVED FROM THE CONSENT AGENDA**

1. Vouchers Payable

Councilor Bradbury asked about the following payments and staff replied:

- Long Well Craft Architects – Fire Station Analysis Study that was approved through the budget
- McCann Family Limited Partnership – Mr. Marsh to review and provide a response
- \$250,000 to the WW and General Fund – Two C.D. investments that were purchased for the General Fund and WW Fund
- Reliance Standard Life Insurance Company – Annual premium for \$20,000 life insurance policies provided to all full-time

Mayor Pro Tem Schroeder moved and Councilor Bradbury seconded approval of 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 it would be prudent for the City Manager to move forward as soon as tomorrow in closing all the bars and indoor eating establishments within Lewiston.

Mayor Pro Tem Schroeder said she received an e-mail from Michelle Peters, Visit Lewis-Clark Valley, indicating that with her office closed, she is trying to find creative ways to bring the general public back to Lewiston when the ban is lifted. She also noted that the cruise ships have pushed back their dates.

Councilor Bradbury offered a suggestion for the City to pay for Covid-19 testing for individuals not covered by Medicaid.

Councilor Pernsteiner thanked City staff for all of their work during this once-in-a-lifetime period. He said he has spent the last week planning for the economic impacts upon the conclusion of the pandemic. He stated that he is most concerned about the recovery and has been talking with many cities about the strategies they are putting in place now. Mr. Pernsteiner said he hopes there will be some federal legislation and bills that will pass to provide some much needed capital for small businesses. The unemployment figures that will be provided on Thursday will be astronomical, noting that 2.2 million people filed for unemployment last week. Councilor Pernsteiner said he would like to propose the potential of a revolving loan fund with the \$300,000 in CDBG monies the City

currently has. After many disasters, about 1 in 4 businesses that close will never open again and it is imperative that the City do something to help very soon.

**B. CITY MANAGER COMMENTS**

City Manager Nygaard reported that he provided an update to the Council with regard to keeping City staff safe. Employees will be allowed to work from home beginning tomorrow, some shifts have been split, and morning meetings with emergency services are being held, to name a few. Now that the Ordinance has passed, Mr. Nygaard said he will meet with Nez Perce County and Public Health to review processes and procedures that are in place and determine what actions need to be taken to keep the community as safe as possible.

**C. ADVISORY BOARD AND COMMISSION APPOINTMENTS**

Mayor Collins moved to approve the appointment of Michael Busch to the Planning and Zoning Commission. The motion was seconded by Councilor Schroeder and carried unanimously.

City Attorney Gómez said that given this evening's long meeting, she would like to postpone the Executive Session.

**D. AGENDA TOPICS**

There were no new topics offered for future agendas.

**IX. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Councilor Blakey moved and Councilor Kelly seconded adjournment of the March 23, 2020, Regular Council Meeting at 8:54 p.m.

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Kari Ravencroft, Recording Secretary

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Date approved by City Council