

**LEWISTON CITY COUNCIL
WORK SESSION MEETING MINUTES**

APRIL 6, 2020 – 3:00 PM

Virtual Meeting, 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: Alan Nygaard; Jana Gómez; Carol Maurer; Kari Ravencroft; Brittne Purington; Budd Hurd; Chris Davies; Dan Marsh; Lynn Johnson; Nikki Province; Travis Myklebust; Tim Barker; Laura Von Tersch; Aaron Butler

I. CALL TO ORDER

Mayor Collins called the meeting to order at 3:04 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Collins.

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.

IV. ACTIVE AGENDA ITEMS

A. RESOLUTION 2020-8: *Considering approving the purchase of real property located on the East side of Nez Perce Grade between Preston Avenue and Thain Grade for Well 7 at a purchase price of \$47,250 (Davies)*

Public Works Director Davies explained the property is currently owned by Ronald and Sue Andrews. If the purchase is approved by the City Council, it would be the site for future Well 7. He stated there are other closing costs associated with the purchase that are not included in the purchase amount for a total of about \$170. Councilor Bradbury asked for the projected cost of drilling Well 7. Mr. Davies stated the estimated cost for the project is six million dollars. Councilor Bradbury stated he feels drilling this well is not necessary at this time due to the financial strains the City may encounter with regard to the current

pandemic and possible sales tax loss. In response, Administrative Services Director Marsh explained the State of Idaho or Association of Idaho Cities has not reported any information on the terms of what the impacts might be. He stated that the City would need to prepare for some declines, but it is too early to tell as of right now.

Councilor Pernsteiner asked Mr. Davies to clarify that the funding for Well 7 is outlined within the Water Master Plan and cannot be used for other projects within the City. Mr. Davies confirmed that the revenue rate increase already implemented, as well as the DEQ State Revolving Fund Loan (SRF) loan, will cover the cost of the Well 7 project. Councilor Bradbury stated he feels that a necessary need for the well has not been demonstrated. Community Development Director Von Tersch explained it is a requirement by DEQ that the City improve the water supply for the school location and will not authorize any other sources available.

Councilor Kelly asked for clarification that the purchase of the property, for \$47,250, is the discussion today. Mayor Collins confirmed the motion for today was just the purchase of the property. Councilor Kelly suggested to move forward with the discussion of the property purchase, and then look at the impact of the pandemic on our economy prior to drilling the well.

Councilor Bradbury recommended speaking with Lewiston Orchards Irrigation District (LOID) to incorporate the school into their system. City Manager Nygaard replied that conversations took place with LOID during the creation of the Water Master Plan. The boundaries, as established by the Bureau of Reclamation, are not allowed to be expanded. Mr. Davies confirmed.

Mr. Davies provided information regarding the need for Well 7 to meet the demands of the City throughout the year, not only for the school project, but also while completing the long-term project of the new water plant.

Mayor Pro Tem Schroeder stated she is in favor of the purchase of this property.

Councilor Bradbury stated he met with LOID Manager Metz and was not under the impression that they could not expand their boundaries. He stated he understood that LOID would have to get permission from the Bureau of Acclimation to expand their boundaries. He feels that stating LOID is unable to provide the service is not accurate and he would like this option to be considered.

Councilor Blakey moved and Mayor Pro Tem Schroeder seconded adoption of Resolution 2020-8. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Kelly; Miller; Pernsteiner. VOTING NAY: Bradbury.*

B. VOUCHERS PAYABLE

A motion was offered by Councilor Kelly to approve the Vouchers Payable. Mayor Pro Tem Schroeder seconded the motion and it carried 7 to 0.

V. WORK SESSION ITEMS

A. APPLICATION FOR DIVERSION - WELL 7: *Discussion regarding the Application for Transfer of Water Rights - Point(s) of Diversion related to the site for Well 7 (Davies)*

It was reported by Public Works Director Davies that this item is on today's agenda for discussion purposes only and will be included on the April 13th agenda for consideration. He stated the purchase of the property for Well 7 and moving forward with the project will require the City to apply for a diversion point for the water to be pulled from the aquifer. Mr. Davies said that the City currently has six wells and provides 16.41 cu ft. per second of water to the City. Though additional water from the aquifer is not needed, the ability to move the water right around to different wells as needed is required.

B. ENVIRONMENTAL IMPACT STATEMENT (EIS) UPDATE: (Von Tersch)

Community Development Director Von Tersch explained she reviewed the documents of the EIS over the previous month and her objective was to look at any issues that would affect the City directly and whether the issues were mitigated appropriately. She stated she was able identify alternatives one, two, four and the preferred alternative as not being of any consequence to the City. She explained that the preferred alternative would allow the flood pool in the reservoirs to be raised by half a foot to allow for different spill conditions that will include fish passage structures to improve fish survival rates. She stated the City's interests had not been addressed under the dam breaching proposal. Ms. Von Tersch stated the Corps of Engineers view these interests or issues as localized and not of their concern, therefore they have not identified the true impact or costs of the impacts. She stated the question is not whether the dams stay or go, but if the City of Lewiston would survive the transition. Ms. Von Tersch stated she composed about ten pages of comments and had them reviewed by Mr. Greg Teasdale, a former employee of DEQ and the Corps of Engineers, in relation to water supply. She stated he was very helpful in

identifying the most significant comments. Ms. Von Tersch said she would need clarification on certain matters that were reported in previous documents, but were left out of the current report.

Councilor Pernsteiner thanked Ms. Von Tersch for her research and asked if the preferred alternative calls for more water flow to help with sediment and bridge related scour. Ms. Von Tersch stated that she did not see anything in the report in regards to that because fluctuating water levels would cause the scour. Councilor Pernsteiner stated that commercial fishing would go away for a number of years under the preferred alternative and asked if in the mitigation the City could include a marketing cost, due to behavioral change, once commercial fishing is reopened to reintroduce people back to our area.

Councilor Bradbury stated there are conclusions in the report that he believes to be false. He stated that the pulp mill functioned at capacity prior to the dams or still water and does not believe that the energy costs for Clearwater Paper would go up. Councilor Bradbury said if the Corps of Engineers continues to increase the height of the levees, this would also increase the amount of silt and toxins, over time would cause a sterile river. He believes the fish need a chance which could be achieved by removing the dams. The community ultimately needs to decide what they would like with regard to the City's future.

Councilor Pernsteiner emphasized that the April 13th deadline for comments is unreasonable and should be extended

Mayor Collins stated he felt the report did not account for the fish. He said today's discussion has been about the Corps of Engineers preferred alternative and how the decisions would impact the City. If the Council would like to discuss dam breaching further, it should be placed on a future work session agenda.

C. **COVID-19 DISCUSSION:** *Department information (Nygaard)*

City Manager Nygaard provided an update to Council on the impacts that COVID-19 has made on the City, staff and community. He also noted that orders have been issued from the City regarding the playground closures and staffing operations during this time. The Directors provided an overview of how their departments are continuing to complete job duties while keeping themselves and the community healthy during the COVID-19 crisis. Public Information Officer Mauer stated she is continuing to work with the departments to get messaging out, as well as educating the public on safety and tips to slow the spread of COVID-19. She said the City is joining forces with Nez Perce County to get proper messaging out to the citizens and provide hope for the community.

Mr. Nygaard stated the PPE supply for employees is being monitored through continuous inventory and the City's supply looks good. Emergency operation briefings are being held on Monday, Wednesday and Friday's. He stated he was able to receive some guidance from FEMA regarding what is available for funding.

Mayor Collins stated he received a few emails regarding Clearwater Composting being closed and questioned what people should do with their excess yardwaste. Mr Davies replied the City will need to decide if Clearwater Composting is an essential service and if so, reach out to them and suggest they reopen while establishing some parameters to maintain social distancing and keep track of citizens using the service. Mr. Nygaard stated Clearwater Composting is a separate entity from the City and they are doing what they can to keep their staff safe. He said the option of possibly delivering additional yardwaste carts has been discussed, but that would all depend on the length of the stay at home order.

Mr. Nygaard responded to Councilor Pernsteiner's question explaining the Governor's office has not announced specific allocations with regard to CARES Act funding at this time.

Councilor Bradbury asked why the original order regarding business closures was rescinded. Mr. Nygaard stated the Governor's order was very similar in language and to reduce confusion, the original order from the City was rescinded. Councilor Bradbury asked why there are not steps being taken to control the amount of people in the businesses that remain open. Mr. Nygaard stated stores that are open are taking precautions and should be remaining compliant with the social distancing requirements. He said if there are areas of noncompliance noticed, then orders can be issued and enforced. Councilor Pernsteiner stated it is his understanding the State of Idaho has followed the guidelines provided by Homeland Security in defining essential businesses. City Attorney Gómez referenced paragraph six of the Governor's order regarding gatherings. Councilor Bradbury noted that grocery stores and pharmacies are exempt from the gathering order of ten people or less, and asked that this discussion be added to the next Council agenda.

Councilor Miller stated from what she has witnessed in this community, the private entities are following the orders of the Governor very well. She feels the City needs to support the community whether it is through the non-profit sector or lifting of late fees. She said the advice from the City Attorney is very thorough and detailed and the Council needs to look at how to lead as a team and be a cohesive unit for the City. She commended the Mayor and City

Manager on their leadership and how they are handling this crisis. Mayor Pro Tem Schroeder agreed.

Fire Chief Myklebust responded to Councilor Pernsteiner's question stating there is a website being worked on through Public Health and State Emergency Management to direct people that have donations and how to get the items delivered properly.

Councilor Bradbury stated he will continue to ask questions when he feels that matters need addressed and does not feel the City has done what they should to slow the spread of COVID-19 in the community.

Councilor Blakey suggested looking into using the Prosecutor's office to help deem Clearwater Composting as an essential business.

VI. UNFINISHED AND NEW BUSINESS

A. *CITY COUNCILOR COMMENTS*

Councilor Pernsteiner stated small business owners can apply for funding through the Payroll Protection Program and should speak to a lender for more information. He stated the program is first come first serve and the funds are going quickly. Mr. Pernsteiner said there has been some great collaboration regarding the CARES Act and federal funds to help small businesses get through this difficult time. He reminded everyone to complete their Census.

Councilor Miller stated that the Payroll Protection Program is a great program and on Friday people that are self-employed can begin to apply. She recognized the people on the frontlines and in the office, stating everyone plays an important role during this crisis. Ms. Miller encouraged everyone to do everything they can to keep themselves, their families and the citizens of this community safe by following the guidelines given. Councilor Kelly added that the program is most likely on overload and the businesses need to know that the City understands and will help where it can.

Councilor Bradbury stated laws and regulations give the City the power to regulate the conduct of citizens not following the guidelines. He feels the City is not doing all it can to slow or stop the spread of the virus.

Mayor Collins stated he is following an action at the State level that helps citizens determine if they need to be tested for the virus. He said he would be sure to get the information to the PIO as soon as he receives confirmation. The

Mayor said this is a great community and individuals are making the best efforts to social distance and isolate to drop the curve down. Mayor Collins said he is in support of the School Board suspending the school year as this helps flatten that curve. He is very grateful for City staff and the way they are handling this crisis.

B. CITY MANAGER COMMENTS

City Manager Nygaard stated staff is working with local groups and making services available where they can. He is grateful that Parks and Recreation is taking steps to get citizens outside in a safe way and will continue to find alternative ways to keep assisting the community.

C. ADVISORY BOARD OR COMMISSION APPOINTMENTS

There were no new advisory board or commission appointments.

D. PROPOSED WORK SESSION TOPICS

Councilor Bradbury would like to discuss transferring funds from the Council Contingency Fund, Economic Development Contingency Fund and the CDBG Fund to the Discretionary Fund to help local organizations during the COVID-19 crisis. He would also like to have the utility permit fee that was assessed to Knife River Corporation and/or T-O Engineers for the operations taking place at the airport.

Councilor Pernsteiner seconded the discussion regarding transferring of funds. He would also like to discuss how the funds can be used and distributed.

At 5:10 p.m., Mayor Pro Tem Schroeder moved to go into Executive Session to discuss items pertaining to Labor Negotiations. The motion was seconded by Councilor Pernsteiner. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner; Miller*

VII. EXECUTIVE SESSION RE: LABOR NEGOTIATIONS: *Idaho Code Sections 74-206(1)(j).* Action Item

Following a short recess, the Council met to discuss the item 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 April 6, 2020, Work Session at 5:40 p.m.