

**APRIL 13, 2020**

**T**HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, April 13, 2020, in a virtual setting. 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.*

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".

Councilors Kelly and 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:** *03/17/20 Special Work Session*

**B. ADVISORY BOARD AND COMMISSION MEETING MINUTES:** *02/19/20 and 03/12/20 Library Board*

**C. ADMINISTRATIVE PLAT - TOPPING'S EDGE:** *Approval of a two-lot subdivision located at 1017 Powers Avenue*

**D. DEVELOPMENT AGREEMENT - BOLAND:** *Approval of a Development Agreement between the City of Lewiston and Barbara Boland*

- E. **APPLICATION FOR TRANSFER OF WATER RIGHTS - POINT(S) OF DIVERSION - WELL 7:** *Approval of the Mayor's signature on the Application for Transfer of Water Rights relating to the site for Well 7*
  - F. **IAFF LOCAL 1773 COLLECTIVE LABOR AGREEMENT ADDENDUM:** *Approval of the First Addendum to the Collective Labor Agreement between the City and International Association of Firefighters Local 1773*
  - G. **FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT ADDENDUM:** *Approval of the First Addendum to the Collective Bargaining Agreement between the City and the Fraternal Order of Police Lewis-Clark Lodge #10*
- V. **ACTIVE AGENDA**

- A. **RESOLUTION 2020-13:** *Implementing the Council's decision in CPA20-000001, amending the future Land Use Map Neighborhood No. 5 - West Orchards of Chapter 6.5 of Lewiston's Comprehensive Land Use Plan*

Councilor Blakey and Mayor Pro Tem Schroeder moved and seconded, respectively, approval of Resolution 2020-13. **ROLL CALL VOTE: VOTING AYE:** Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. **VOTING NAY:** None.

B. **ORDINANCES**

1. **Second and Third Readings**

A motion was made by Mayor Pro Tem Schroeder to combine the second and third readings and to waive the third readings in full of Ordinances 4770 and 4771. Councilor Pernsteiner offered a second and it carried 7 to 0.

Mayor Pro Tem Schroeder and Councilor Pernsteiner then moved to approve the second and third readings of Ordinances 4770 and 4771. There were no objections and the motion carried unanimously.

a. **Ordinance 4770**

**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**

**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. Adoption and Approval of Ordinance Summaries**

**a. Ordinance 4770**

**b. Ordinance 4771**

Mayor Pro Tem Schroeder moved to adopt Ordinances 4770 and 4771 and to approve the related ordinance summaries. The motion was seconded by Councilor Blakey. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

**C. REASONED STATEMENT - ZNC20-000001**: *Approval of the Reasoned Statement for Steve Carlton for approximately 9.45 acres located on the west side of 4<sup>th</sup> Street west of Park Drive, south of Walker Field, and north of 325 Warner Drive*

Mayor Pro Tem Schroeder moved and Councilor Kelly seconded approval of the Reasoned Statement for ZNC20-000001. With no objections, the motion carried unanimously.

**D. BREIER BUILDING LIEN**: *Acceptance of \$250,000 for the repayment of the loan and release of the lien the City of Lewiston has on the Breier Building property located at 633 Main Street*

A motion and second were provided by Mayor Pro Tem Schroeder and Councilor Kelly, respectively, to approve the Settlement and Release Agreement between the City of Lewiston and the Breier Building Limited Partnership.

Councilor Blakey asked if there is a time frame in which the \$250,000 must be spent upon receipt. Administrative Services Director Marsh explained that because the monies are for past loans, there are no time lines or term limits on the funds.

Councilor Pernsteiner said he appreciates bringing this old payment to fruition. He noted that this is in line with some previous discussions about

economic dollars the City currently has. Mr. Marsh noted that the \$250,000 settlement will not be quite as flexible as the \$300,000 CDBG funds the City has now. Mr. Pernsteiner replied that this will be critical as the Council continues its conversations regarding propelling the economic recovery. Knowing where the strings are and what will need to be pulled will be important.

Councilor Blakey said he wants to make sure that the \$300,000 that is being discussed has not been set aside to help pay for the Grant Writer position. City Manager Nygaard indicated the Council previously discussed utilizing some of these monies as matching funds that the grant writer might receive. The money would not, however, be used for wages.

*ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None.*

**E. TRI-PARTNERSHIP ADDITION FINAL PLAT OWNER'S CERTIFICATE:**  
*Authorizing the Mayor to sign the Tri-Partnership Addition Final Plat Owner's Certificate on behalf of the City of Lewiston*

A motion was made by Mayor Pro Tem Schroeder and seconded by Councilor Pernsteiner to authorize the Mayor to sign the Tri-Partnership Addition Final Plat Owner's Certificate on behalf of the City of Lewiston. The motion carried 7 to 0.

**F. ITEMS MOVED FROM THE CONSENT AGENDA**

None.

**VI. UNFINISHED AND NEW BUSINESS**

**A. CITY COUNCILOR COMMENTS**

Councilor Pernsteiner reported that the latest unemployment numbers show there have been 1,000 people laid off in Nez Perce County and another 500 in Asotin County in the past three weeks. He said he was encouraged to hear over the weekend that local businesses are receiving checks from the payroll protection program. Unemployment claims are expected to slow down dramatically as some employers can now keep their employees on the payroll with this assistance. The first stimulus checks have gone out and individuals are already receiving them and a tremendous amount of federal funds will soon be coming to the Valley to address issues related to the Covid-19 pandemic.

Councilor Miller encouraged citizens to visit the City of Lewiston Parks & Recreation Facebook page, stating that they are offering a number of activities for families to do at home.

Councilor Bradbury addressed the Environmental Impact Statement response prepared by Community Development Director Von Tersch. He stated he hopes the document has not yet been submitted without Council approval as it contains some serious errors that could prove to be embarrassing to the City. He noted a couple of examples and emphasized the need to discuss prior to the report being distributed.

Additionally, Mr. Bradbury said he recently distributed a permit application from Knife River to the Council. He indicated that he would like to postpone discussion on this item as the Airport Commission plans to review it at their next meeting.

Councilor Bradbury expressed his desire to utilize some of the funds within the Council's Contingency and the Economic Development Fund to address the pandemic, noting that the Food Bank is in dire need of assistance. Additionally, he encouraged the Council to discuss placing a restriction on evictions for non-payment of mortgages and rent and requested it be placed on the next meeting agenda.

With regard to the comments for the Environmental Impact Statement, Mayor Collins reported that the deadline for submittal has already come and the response has been submitted. Secondly, the permit application for Knife River will be discussed at the Airport Authority Board's next meeting and he encouraged individuals to sign on via Zoom to view.

Mayor Collins asked for an update on Clearwater Compost. Public Works Director Davies reported that staff contact them and they have since opened back up for business. Their hours remain the same, but they are only accepting credit cards at this time.

**B. CITY MANAGER COMMENTS**

City Manager Nygaard said that staff has been working with the Governor's Office regarding the money that will be allocated throughout the State beginning on April 24<sup>th</sup>. A committee is working to determine how the money will be distributed upon hearing the requests and cost estimates from Idaho cities. Mr. Nygaard noted that Lewiston has provided all of its information to date.

Continuing, Mr. Nygaard reported that the City received some funding today from Health and Human Services which is part of a distribution through Community Action Block Grants. Based on the city's population, additional funds are expected in the future.

City Manager Nygaard said that staff contacted the Food Bank to determine their needs. He reported that they aren't doing bad with regard to funding, but are experiencing difficulty in purchasing canned goods and receiving them as donations.

Finally, Mr. Nygaard explained that the City is diligently working with its partners and economic development groups to provide whatever support it can. Staff has offered the library, technology, etc. for individuals to be able to fill out their loan applications. Additionally, Public Information Officer Maurer has put out a great deal of information about how businesses can apply for funding and the need to get those applications in as soon as possible.

**C. ADVISORY BOARD AND COMMISSION APPOINTMENTS**

Mayor Collins moved to approve the appointment of Mary Egeland to the Emergency Services Advisory Board. The motion was seconded by Mayor Pro Tem Schroeder and carried unanimously.

Councilor Miller reported that the Youth Advisory Commission has four members that will be graduating this year. She indicated that the group chose to increase its number of members to nine in an effort to get ahead of the turnover. Ms. Miller said the group has been meeting via Google Meets and has expressed concern for people not wearing masks when in public places such as grocery stores and pharmacies. She encouraged everyone to follow the recommended CDC guidelines to help prevent the spread of Covid-19. Councilor Miller encouraged 7<sup>th</sup> to 10<sup>th</sup> grade students to apply for the Commission, stating that the applications can be found on the City's website or by contacting the City Clerk's office.

Councilor Blakey announced that Jim Bennett's position is up with the Airport Authority Board in May. Secondly, he said he would be putting his name in to serve as the liaison for Region 2 for the Association of Idaho Cities.

Councilor Bradbury said he wants to make sure the Council is aware of the procedures that will need to be employed in filling the vacancy on the Airport Authority Board. He noted it would need to be advertised in order to provide an opportunity for anyone interested to apply.

**D. AGENDA TOPICS**

Councilor Pernsteiner said the City has some funding set aside that it can do some good with regarding helping the community recover. What he sees the funds going towards breaks down into three categories: First is the immediate health effects of the virus itself; second would be how to help those that have been laid off or effected economically; and third is providing assistance to create a business incubator. This entrepreneurial activity would be a tremendous way for the City to

invest. The second component of an incubator is to help people gain skills and access to remote work outside of the city. Mr. Pernsteiner mentioned how the city of Tulsa has provided a great example of this and has proven how it has been a tremendous benefit to their city. He indicated that he would be glad to do the research and to coordinate with City staff and other organizations and to then come back to the Council with a presentation. Federal funds are here today, but they won't be here tomorrow or in four to six months. It is important to maximize the usage of federal funds through education and allocation and then to use City funds for tomorrow.

Councilor Blakey expressed his support and asked if the City could somehow play a role in purchasing and distributing masks to the public.

Councilor Bradbury concurred to add this topic to an agenda for further discussion. He suggested that a portion of the \$50,000 in the Council's Contingency Fund could be used to pay for Covid-19 testing for those that may not be able to afford it. He noted that he would be happy to explore the possibility of a business incubator, but noted he was under the impression the Port of Lewiston already had one. Mr. Bradbury asked that the permit application for Knife River also be added to a future agenda, with the understanding that if it is resolved by the Airport Authority Board, it could be removed.

Councilor Miller said she would be interested in adding Councilor Pernsteiner's topic to a future agenda. She also noted that the Youth Advisory Commission would like to make a presentation to the Council at its May 8<sup>th</sup> Work Session regarding their accomplishments over the past year.

Councilor Pernsteiner explained there is an incubator at the Port of Lewiston; however, the distinguisher is that it is exclusively for manufacturing. What the Port provides is a facility with a very affordable lease to those businesses that actually make a product. The incubator he has mentioned is more of a traditional business incubator that helps people understand the steps to starting a business and to provide training and mentorship. There are a many people with great ideas, but they may not know how to execute them.

Mayor Pro Tem Schroeder expressed her support for further discussion on a future agenda.

Councilor Pernsteiner said it would be his desire to provide an update at the April 27<sup>th</sup> meeting with a more detailed discussion at the May work session. There has already been a lot of ground work done and he said he is not looking to reinvent the wheel. Rather, he would like to talk about what has been accomplished, what can be done, and recommendations as to where the funds would best be spent.

**VII. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Councilor Schroeder moved and Councilor Blakey seconded adjournment of the April 13, 2020, Regular Council Meeting at 6:56 p.m.

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Kari Ravencroft, Recording Secretary

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Date approved by City Council