

APRIL 26, 2021

T HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, April 26, 2021, at the Lewiston City Library, 411 D Street. Mayor Collins called the meeting to order at 6:00 p.m.

I. ROLL CALL

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

Councilors Excused: Schroeder.

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's comments.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. PROCLAMATION - ARBOR DAY - APRIL 30, 2021

Mayor Collins read the Proclamation declaring April 30, 2021, as Arbor Day and presented it to Shirley Phillips, Chair of the Parks and Recreation Commission. Ms. Phillips accepted the document with appreciation, and stated that Arbor Day inspires people to plant, to nurture and to celebrate trees. This is a message the Commission feels is very important to not only businesses, but also the general public so they can become informed on proper planting and pruning procedures, as well as learn the value of trees. Ms. Phillips invited the Council and public to attend the Arbor Day celebration scheduled on Friday, April 30, 2021, at 2:00 p.m. at the Normal Hill Cemetery. She noted that a representative from the Department of Lands will be in attendance to present the city with its 33rd consecutive award as a Tree City USA.

B. FINANCIAL REPORT - SIX MONTHS ENDED MARCH 31, 2021: *Report provided by Administrative Services Director Marsh in accordance with Idaho Code 50-208*

Mr. Marsh said he is presenting on the financials for the six months ended March 31, 2021. He highlighted two areas: Revenue in the General Fund and the

Economic Development Fund. With regard to Revenues in the General Fund, Mr. Marsh explained that these are the general overarching revenues that help to support the General Fund and include such things as Parks & Recreation, Police, Fire, and Administrative Services. Well over one-third of the city's revenues are within this category and when added to capital revenue, it makes up about 25 percent of the entire budget. Also included within General Fund Revenues are grants, CARES money, intergovernmental revenues, and other. Addressing service charges, Mr. Marsh explained these are the components of the allocation of internal service charges to the Enterprise Funds and are based upon calculations of overhead.

Continuing, Administrative Services Director Marsh stated the Economic Development Fund has had more activity over the past year or two than it has in the past ten years, with \$600,000 received from the State for the accelerator program and \$77,000 for CDBG Program reimbursements. He noted that the Revolving Loan Program has been extremely successful for the city.

With regard to expenses, the costs included ADA ramps, assistance to OUI, the home repair program and low to moderate income assistance. The other two large ticket items were Water and Wastewater, with Water spending about 14 percent of its project budget and Wastewater at about 31 percent of its project budget.

As a matter of clarification, Councilor Blakey said each department is considered a cost center and operational costs such as postage and technology are spread out amongst each department. He asked if there would need to be additional employees/positions within the Enterprise Funds if the costs were not divided amongst the various departments. Mr. Marsh confirmed. He explained that Human Resources, IT, Fleet and Worker's Compensation all have their own Funds. A time study is completed by staff and compared with prior averages to determine the amount to be allocated to the Enterprise Funds.

Councilor Kelly noted that Library Capital indicates it is at 190 percent of budget and questioned the reason. Mr. Marsh noted this is due to expenses for the roof garden and enhancements to the second floor that were beyond last year's budget. He stated that this will be rectified when the budget is amended to accept donations from the Library Foundation.

Councilor Bradbury asked what "service charges" refer to. Mr. Marsh explained that service charges are administrative costs, support type functions such as Human Resources, City Manager, Finance, and some functions within Community Development. Costs for centralized efforts, such as payroll for the entire city, are allocated to each department and are determined via a time study and other methods. Mr. Bradbury asked that a copy of the time study be provided.

Councilor Bradbury questioned how many employees fall under the Fund for Administrative Services. Mr. Marsh explained there are approximately 20, and this Fund also holds monies for the cost of the annual audit and Utility Billing postage.

Councilor Bradbury noted that there is a \$3 million entry within the Wastewater Fund for service charges. Mr. Marsh clarified that \$3 million is the entire budget for Wastewater and includes everything this Division pays for, such as the SCADA system, contracted services, utilities, etc. Mr. Bradbury asked that a breakdown of expenses be provided.

Councilor Bradbury questioned how the functions differ between the Economic Development Fund and Community Development. Administrative Services Director Marsh noted the Economic Development Fund contains Capital expenditures such as small business grants and the CDBG Program. City Manager Nygaard added that this is reported as capital because they are loans made to individuals so they can renovate their residences. Loans by the city are capital and reported as an asset.

Responding to a question from Councilor Bradbury regarding Fleet Maintenance, Mr. Marsh explained that their total budget includes repairs as well as purchase of new vehicles. The allocation of costs is based upon work orders for particular pieces of equipment.

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 Item D, Vouchers Payable, be moved to the Active Agenda.

Councilors Blakey and Pernsteiner moved and seconded, respectively, adoption of the Consent Agenda, as amended. *ROLL CALL VOTE: VOTING AYE: Collins; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Schroeder.*

A. CITY COUNCIL MEETING MINUTES: 04/05/21 Work Session; 04/12/21 Regular – Action Item

B. ADVISORY BOARD AND COMMISSION MEETING MINUTES: 03/17/21 Parks & Recreation Advisory Commission – Action Item

- C. **PRELIMINARY PLAT - THE ESTATES AT CANYON CREST PHASE IIIB-2, IIIC-1 & IIIC-2:** *Considering approving the plat of approximately 8.77 acres of property located within the Canyon Crest Planned Unit Development's Phase III planning area into 32 lots - Action Item (Weigand)*

- D. **VOUCHERS PAYABLE:** *03/19/21 through 04/01/21 - \$1,289,338.91 - Action Item - Moved to Active Agenda Item VI.F.*

VI. **ACTIVE AGENDA**

- A. **DIVOTS GOLF - 914 21ST STREET:** *Considering a request from Divots Golf for a waiver of City Code Section 6-15 regarding the sale of beer and wine in sealed containers for consumption on premises - Action Item (Stricker)*

Business License Coordinator Stricker explained that the owners of Divot's Golf, an indoor digital golf facility, are interested in expanding to Lewiston and leasing the building at 914 21st Street, formerly occupied by Napa Auto Parts. Their business includes the sale of beer and wine in sealed containers for consumption on premises. Lewiston City Code, Section 6-15 and Idaho Code Section 23-1011B prohibit the location of an on premise consumption establishment within 300 feet of any public school, and this business measures 275 feet from its front door to the nearest point of the Whitman Elementary building. Mr. Orchard has submitted a written request for Council to make an exception to this prohibition based on Idaho Code, which allows for exceptions with the approval of the governing body of the municipality.

Ms. Stricker indicated that staff recommends approval of the exception. The owner's letter indicates his willingness to work with staff and Council to find solutions to mitigate any concerns with increased traffic on 20th Street, and his desire to utilize existing buildings for this venture sets a great example for the promotion of adaptive reuse.

Councilor Miller indicated that there are a number of businesses in this area that offer alcohol, naming Albertsons and The Wrangler as a couple. In this particular case and after reviewing the orientation of the building, the intended use, etc., she said she is in favor of granting a waiver.

A motion was offered by Councilor Blakey to approve the request from Divots Golf, pursuant to Lewiston City Code Section 6-15. Councilor Pernsteiner provided the second.

In response to a question raised by Councilor Pernsteiner, Henderson Orchard indicated that dependent upon the issuance of a waiver by the City Council, the goal is to open the facility in August 2021.

- B. IDEQ SRF SPONSORSHIP AGREEMENT:** *Considering approving the IDEQ SRF Sponsorship Agreement for the Lewiston 2020 Septic Conversion Program – Action Item (D. Johnson)*

Public Works Director Johnson explained that implementation of the Septic Conversion Program is underway and being presented to property owners in the East Orchards area and those in the Cedar Avenue sewer improvement area currently under construction. Six property owners have signed agreements for septic conversion to date. This project would convert existing individual septic systems and install additional wastewater collection lines to the East Orchards neighborhood of the city. The primary benefit is to reduce nutrient and pathogen loading to the groundwater sources that feed Lindsay Creek and Tammany Creek. The expected outcome is to reduce the number of existing septic systems by approximately 20 and to install approximately 1,000 feet of 8" wastewater collection pipe.

Continuing, Mr. Johnson indicated the program provides reimbursement to property owners for 50% of the conversion cost not to exceed \$6,000. Interested property owners first sign a reimbursement agreement, complete the conversion work, and submit it to the city for reimbursement. The city then completes a review and sends it to DEQ for approval. With DEQ approval, reimbursement funds are sent to the city for disbursement to the property owner.

A motion and second were offered by Councilors Kelly and Pernsteiner, respectively, to approve the Idaho Department of Environmental Quality Clean Water State Revolving Fund Sponsorship Agreement. *ROLL CALL VOTE: VOTING AYE: Collins; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Schroeder.*

- C. RESOLUTION 2021-18:** *Considering accepting a Dedication of Right-of-Way from Love in an Elevator, LLC to the City of Lewiston – Action Item (Weigand)*

City Surveyor Weigand explained that as a result of the new Burger King restaurant at 223 Thain Road which necessitated street frontage improvements, Love In An Elevator, LLC, is required to dedicate strips of property for public right-of-way along the Thain Road and Park Avenue frontages of their property at the north-east corner of the Thain Road/Park Avenue intersection. The indicated property encompasses the new street frontage improvements that were constructed as part of the development of their site. Mr. Weigand noted that staff recommends the Council accept Resolution 2021-18.

A motion and second were offered by Councilors Pernsteiner and Miller to approve Resolution 2021-18. *ROLL CALL VOTE: VOTING AYE: Collins; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Schroeder.*

D. ORDINANCES

1. First Readings

- a. **Ordinance 4812:** *Considering amending Section 21-5(a) and (b) of the Lewiston City Code related to criminal history checks for armored car delivery service applicants and employees– Action Item (Stricker)*

Business License Coordinator Stricker said that since the extensive Chapter 21 rewrite of City Code was adopted by Council in January 2021, it has been discovered that reference to one particular type of license, armored car delivery services, has been omitted from two sections of this chapter. Ordinance 4812 amends Section 21-5(a) and (b) by adding armored car delivery services to the types of licenses that require a criminal history background check as part of the license application and license renewal process.

A motion was made by Councilor Kelly to read Ordinance 4812 for the first time by title only, with a second provided by Councilor Miller. There were no objections and the motion carried 6 to 1, with Mayor Pro Tem Schroeder excused.

ORDINANCE 4812: “AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 21-5(a) AND (b) OF THE LEWISTON CITY CODE RELATED TO CRIMINAL HISTORY CHECKS FOR ARMORED CAR DELIVERY SERVICE APPLICANTS AND EMPLOYEES, AND PROVIDING AN EFFECTIVE DATE”

2. Second and Third Readings

- a. **Ordinance 4810:** *Considering implementing the Council’s decision in ZNC21-000001, declaring that certain real property be removed from the Low Density Residential (R-2A) Zone and included in the Community Commercial (C-3) Zone – Action Item (Hollingshead)*

It was moved and seconded by Councilors Pernsteiner and Blakey to combine the second and third readings and to waive the third reading in full of Ordinance 4810. There were no objections and the motion carried 6 to 1, with Mayor Pro Tem Schroeder excused.

Councilor Kelly then moved to read Ordinance 4810 for the second time and third times. The motion was seconded by Councilor Pernsteiner and carried 6 to 1, with Mayor Pro Tem Schroeder excused.

ORDINANCE 4810: "AN ORDINANCE OF THE CITY OF LEWISTON IMPLEMENTING THE CITY COUNCIL'S DECISION IN ZNC21-000001, DECLARING THAT CERTAIN REAL PROPERTY BE REMOVED FROM THE LOW DENSITY RESIDENTIAL (R-2A) ZONE AND INCLUDED IN THE COMMUNITY COMMERCIAL (C-3) ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON; AND PROVIDING AN EFFECTIVE DATE"

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

a. **Ordinance 4810** - Action Item

It was moved and seconded by Councilors Pernsteiner and Kelly to adopt Ordinances 4810 and to approve the related ordinance summary. ROLL CALL VOTE: VOTING AYE: Collins; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Schroeder.

E. **REASONED STATEMENT - ZNC21-000001**: *Considering approval of the Reasoned Statement for ZNC21-000001 - Action Item (Hollingshead)*

A motion was made by Councilor Blakey to approve the Reasoned Statement for ZNC21-000001. The motion was seconded by Councilor Pernsteiner and carried 6 to 1, with Mayor Pro Tem Schroeder excused.

F. **ITEMS MOVED FROM THE CONSENT AGENDA** - Action Item

1. **Voucher's Payable - 03/19/21 through 04/01/21**

Councilor Bradbury questioned the \$5,250 payment to CH Spencer LLC. Public Works Director Johnson replied this expenditure was to rebuild the pump for Well 1A.

Mr. Bradbury then asked about UB expenses. Administrative Services Director Marsh noted that "UB" represents Utility Billing and the expenditures were for adjustments or to remedy overcharges or errors.

Councilor Pernsteiner offered a motion to approve the Voucher's Payable. A second was provided by Councilor Blakey. ROLL CALL VOTE: VOTING AYE: Collins; Blakey; Bradbury; Kelly; Miller; Pernsteiner. VOTING NAY: None. EXCUSED: Schroeder.

VII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Blakey said he was asked by former Councilor Randall to remind the Council that the airport's budget request is due by the end of May as per the Joint Powers Agreement. Mr. Marsh indicated that he reached out to the Airport Director earlier in the day to schedule a meeting to review their budget and subsequently schedule review by the Council.

B. CITY MANAGER COMMENTS

There were no City Manager comments.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

There were no board or commission appointments.

D. AGENDA TOPICS - ACTION ITEM

Councilor Bradbury offered a motion to schedule a future Town meeting wherein business owners would be invited to share ideas on how they believe the business climate in the city can be improved. He noted this may be helpful to determine what is needed to enhance economic development. Councilor Kelly provided a second. The motion failed with Mayor Collins, Councilor Bradbury and Councilor Kelly voting aye and Councilor Blakey, Councilor Miller and Councilor Pernsteiner voting nay. Mayor Pro Tem Schroeder was excused.

Councilor Kelly noted that a discussion on waterfront restoration is listed on the Future Agenda Items report, and said he just wants to ensure it doesn't get forgotten and is scheduled for a future meeting.

VIII. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Pernsteiner and Blakey moved and seconded adjournment of the April 26, 2021, Regular Council Meeting at 7:02 p.m.