

APRIL 27, 2020

T HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, April 27, 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.*

City Clerk Ravencroft read into the record e-mails submitted by Mike Menegas, Thyra Stevenson, Todd Snarr, Dan Johnson, Nyla Clare, DeAnn Scrabeck, and Doug Black, as well as reported on two phone calls received from Mike Lorenz and Mark Hewett. Each individual requested that the City solicit applications for Jim Bennett's Airport Authority Board position that will come due in May, rather than reappointing him to another term.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. FINANCIAL PRESENTATION - SIX MONTHS ENDED MARCH 31, 2020:
Verbal report provided by Administrative Services Director Marsh in accordance with Idaho Code 50-208

Administrative Services Director Marsh reminded everyone that the city's financials can be accessed by logging onto OpenGov for more in-depth information. He then reported on the second quarter for the six months ended March 31, 2020.

With regard to Intergovernmental Revenues, Mr. Marsh explained these are the revenues the City enjoys from other governmental agencies, but by and large the State. He mentioned that monies are anticipated from the Cares Act, FEMA, State Pass-Through, etc., and will serve well to reimburse the shortfalls seen in this area of the budget. The Association of Idaho Cities will be working with each City on the expected decline in sales tax, anticipating anywhere from a 5 to 25 percent decline. In the last legislative session, a change was made to the model that will

decrease what the City receives. Though it is tough to determine the amount, the reduction could be \$50,000 to \$75,000.

Mr. Marsh said that previously, all models predicted growth, but will now see declining numbers. A change in the liquor apportionment is also expected and will show a 2 to 3 percent model decline.

Property taxes are at 57 percent and are right on track. The January payment is always larger than the July payment. Delinquent taxes are expected, but still serve as a revenue for the city.

In response to a question raised about money provided through the Cares Act, Mr. Marsh explained that the funding is not meant to replace lost revenue, but rather to offset additional expenses incurred by COVID-19. It is unclear at this time as to how these monies would affect the projected \$500,000 revenue decline.

While seeing many reductions, Councilor Pernsteiner said the state will also be facing a lot of pent up demand on the sales side. Mr. Marsh agreed, noting that people will most likely be spending some money when the Stay-Home Order is lifted.

Fire is doing well at 41 percent, but could see a reduction in the SRO Program. EMS transports are on track with 50 to 60 percent of the revenues usually received in the second half of the year.

Continuing, Mr. Marsh noted that Community Development is at 80 percent due to business license renewals the first of January and early in-the-year permits; Recreation continues to be an ongoing challenge; and Council Contingency is at \$50,000 with no expenditures to date.

Property Improvements or Building Improvements/Reserves is where the foregone taxes have been funded. An additional \$2 million will be provided by tax money in July. The expense side of the account is primarily for the Tri-Partnership investment and encumbrances, and is anticipated to be about \$900,000.

Administrative Services Director Marsh explained that the Capital Projects Fund shows \$500,000 for the library rooftop and will have to be updated to include the amendment approved by Council. This is money in and money out on the city's books and does not include any city funds.

For Worker's Compensation and the Internal Service Funds, the customers are City departments. Both are well under 50 percent with the bulk of the expenditure for Worker's Compensation utilized for premium expenses and related training.

Regarding Water, revenue is at 40 percent and will likely end up at 96 to 101 percent. In terms of adjustments with COVID-19 challenges, staff will be looking at some types of adjustments, but it is too early to tell. Mr. Marsh said he has not heard of any reimbursements from federal programs to help offset this and a reduction is likely expected.

B. PUBLIC HEARING 2019 ACTION PLAN AMENDMENT: *Accepting testimony on an allocation from the U.S. Department of Housing and Urban Development Block Grant to the City in the amount of \$146,317 to be used to prevent, prepare for and respond to COVID-19*

Stating this was the time and place advertised for the public hearing regarding the 2019 Action Plan Amendment, Mayor Collins opened the hearing and asked that a staff report be provided.

Community Development Specialist Brocke explained that in response to the Coronavirus Pandemic, the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) has notified the City of Lewiston that it will receive an allocation of \$146,317 to be used to prevent, prepare for, and respond to COVID-19. This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of this historic public health crisis.

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The 2019 Action Plan Amendment reflects the CDBG-CV resource amount and proposes the following amendment in response to COVID-19: Reprogram the remaining \$54,000 in 2019 Home Repair funds to the CV-19 Emergency Assistance Program; and Program the \$146,317 in CDBG-CV funds to the CV-19 Emergency Assistance Program. These funds will provide assistance to low or moderate income households and/or businesses in the City of Lewiston in response to the coronavirus. Ms. Brocke recommended approval of the 2019 Action Plan Amendment.

Councilor Pernsteiner asked if this designation gives the City any more ability than regular CDBG funding. Ms. Brocke replied that the CDBG-CV funds are a bit stricter than regular CDBG funds. The projects must meet the national objective and are required to prevent, prepare for or respond to COVID-19. Additionally, 70 percent of the funding has to benefit low to moderate income households. Community Development Director Von Tersch added that while these

funds are more restrictive than typical CDBG funds, the reason staff is recommending redeployment of some existing funds is because under normal circumstances, only 15 percent can be used for services. With the current pent up demand for services, a good community service project could receive the entire amount.

Councilor Blakey suggested that some of the funding be utilized to purchase and distribute masks throughout the community. Councilor Pernsteiner said he doesn't disagree that masks may be needed; however, the City received over one million dollars from the State wherein money could very easily be utilized to purchase masks. He said the CDBG funds may be better directed toward economic development efforts.

Councilor Bradbury asked if the CDBG funds could be provided to religious organizations such as the Salvation Army or YWCA. Ms. Brocke confirmed, noting that funding has been provided to the Salvation Army in the past for their kitchen and hygiene center projects.

Councilor Kelly then asked if OUI could be the recipient of CDBG funding. Community Development Specialist explained that as long as they met the national objectives and the rules and regulations placed on the funding, then they could certainly be eligible.

Mayor Collins called for testimony, either in favor or against the amendment. There being none, he declared the hearing closed.

C. WWTP 2020 IMPROVEMENTS: *Progress report provided by Public Works Director Davies*

Public Works Director Davies indicated that the WWTP project is now in its six month and is about 17 percent complete. The screw press has been completed which was a key element of the project as the main screw press was not operational prior to construction. Additionally, the city received a change order from the contractor consisting of an approximate \$108,000 reduction in costs. With respect to COVID-19, an increase in spending for materials will most likely be realized as the contractor will be purchasing items now for future projects due to shipping delays and supply lines. It is expected that construction will remain on track and there are no delays predicted.

D. WATER TREATMENT PLANT RETROFIT PROJECT: *Progressive Design/Build Procurement Update provided by Public Works Director Davies*

It was explained by Public Works Director Davies that the City Council previously approved a progressive design-build procurement as the delivery method for the Lewiston Water Treatment Plant (WTP) Retrofit Project. Requests

for Qualifications have been sent out and are due the first part of June. Following interviews, staff will move forward with two bidders to look at their designs, their contractors and what the plant would ultimately look like upon completion. By the end of 2020, the final contractor will be selected and the design build for the plant will be in place.

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 Kelly asked that Item E, Bid Award - IFB-20-008 2020 Street Preservation - Slurry Seal, be moved to the Active Agenda.

Councilor Bradbury requested Item G, Vouchers Payable, also be moved to the Active Agenda for discussion.

Mayor Pro Tem Schroeder and Councilor Pernsteiner 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:** 03/23/20 Regular; 04/06/20 Work Session; 04/13/20 Regular
- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** 03/18/20 Library Board
- C. **2019 ACTION PLAN AMENDMENT:** Approval of the 2019 Action Plan Amendment
- D. **RESOLUTION 2020-15:** Approval of the destruction of Lewiston Police Department records from the Year 2008
- E. **BID AWARD - IFB-20-008 2020 STREET PRESERVATION - SLURRY SEAL:** Approval of the bid for IFB-20-008 2020 Street Preservation - Slurry Seal to Blackline, Inc., of Vancouver, WA, in the amount of \$223,344.55 - Moved to Active Agenda as Item 1.
- F. **BID AWARD - IFB-20-009 2020 STREET PRESERVATION - SEAL & FOG COAT:** Approval of the bid for IFB-20-009 2020 Street Preservation - Seal & Fog Coat to Herco, Inc., of Lewiston, Idaho, in the amount of \$435,244.80

- G. **VOUCHERS PAYABLE:** 04/02/20 through 04/15/20 - \$1,752,420.56 - Moved to Active Agenda as Item 2.

VI. **ACTIVE AGENDA**

- A. **TRI-PARTNERSHIP ADDITION FINAL PLAT:** *Approval of a subdivision of 305.79 acres into 6 lots, 3 public tracts and two public road corridors*

Councilors Kelly and Pernsteiner moved and seconded, respectively, approval of the Tri-Partnership Addition Final Plat. The motion carried unanimously.

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

1. **Bid Award - IFB-20-008 2020 Street Preservation - Slurry Seal**

Councilor Kelly questioned the definition of “unit” mentioned in the bid document. Mr. Davies indicated that one unit is equal to a square yard.

Mr. Kelly then asked if there were any bids submitted by local contractors. Public Works Director Davies reported that only three bids were received from Reno, Nevada, Meridian, Idaho, and Vancouver, Washington, and are typically the same three bidders every year.

Councilor Pernsteiner pointed out that the amount spent on slurry seal last year was \$155,000 and this year’s recommended bid is for \$230,000. He asked if this is due to an expanded effort or if costs have gone up 40 percent. Mr. Davies explained that the city is broken into three zones and slurry seal work rotates from one zone to the next year after year. The needs of each zone are reviewed which determines the amount of slurry seal that will be required.

Councilor Pernsteiner moved and Councilor Kelly seconded approval of the Bid Award for 2020 Street Preservation - Slurry Seal. The motion carried 7 to 0.

2. **Vouchers Payable**

Councilor Bradbury questioned the purpose of the following payments, with Mr. Marsh either providing a response or explaining in an e-mail provided to the Council the following day:

- City of Lewiston Employee Benefit - Cafeteria Plan - \$7,971.88: Monthly deduction taken from employees’ paychecks that is

administered independently and is composed of the employees who wish to participate in the Section 125 FLEX Plan. The plan is a voluntary, non-taxable contribution which can be used for out of pocket medical or daycare expenses. No City funds are contributed.

- Envisio Solutions, Inc. - \$23,875.00: City's strategic planning software prorated at 9 months. The remaining three months will be paid from the next fiscal year's budget along with the second year renewal for a total of approximately \$15,000. Bradbury: Entry to Envisio Solutions for \$23,800 some dollars.
- Land Title of Nez Perce County - \$47,420.00: Purchase price for Well 7, previously approved by the Council.
- Nez Perce County Legal Services - \$11,443.44: Subcontract relationship between the City and Nez Perce County for prosecution services. Bradbury: Entry for Nez Perce County legal services for 11,000. Dan: That is for subcontract relationship city has with county for prosecution services.

Councilor Pernsteiner 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 Pernsteiner provided a quick update on a potential business incubator project, noting that a more formal presentation would be provided at the May Work Session. He thanked City Manager Nygaard, Community Development Director Von Tersch, BDL Director Kramer and CEDA as they have been extremely helpful in these conversations and have already done a lot of groundwork. Mr. Pernsteiner noted that there has been an additional \$3 billion in HUD funds identified that are unallocated and are essentially awaiting proposals. The presentation next week will bring forward a concise project that would not only help to start up new businesses, but to also capture jobs through remote work. He encouraged the Council to contact him for specifics and to talk with other partners in the Valley that are interested.

Councilor Blakey asked if the curb, gutter and sidewalk installed along 19th in front of Winco would be extended all the way to 21st Street. Mr. Davies replied that it goes only to the end of the Winco property.

B. CITY MANAGER COMMENTS

No comments.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

Mayor Collins reported that he received a number of calls and e-mails regarding the reappointment of Jim Bennett to the Airport Authority Board. Before making a motion for reappointment, he said he would like to open it up to the Council for discussion.

Councilor Bradbury offered a motion to table the reappointment until applications can be solicited. Councilor Kelly seconded the motion. Mayor Collins indicated that there was no motion for reappointment on the floor so there is nothing to table at this point. Therefore, Mr. Bradbury and Mr. Kelly rescinded their motion and second.

Mayor Pro Tem Schroeder stated that the City did solicit applications and perform interviews and determined that Mr. Bennett and Ms. Smith were the best candidates for the positions. Just recently, Airport Authority Board Chair Peters suggested the Council stay the course and not make any changes at this time as the airport was doing well. While this is a very valid point, Councilor Pernsteiner reported the position is different from members on other boards and commissions as it is a paid position and the members approve the spending of money to a huge degree. For these reasons, and to ensure transparency, he stated he believes the position should be opened to the public and encouraged Mr. Bennett to reapply.

Agreeing that transparency is critically important, Councilor Bradbury said that equally important is finding the most capable person for the position. This will only be known if applications are sought and qualifications reviewed for those interested. The airport, particularly at this time, is entitled to the very best governing board possible.

Councilor Blakey disagreed to opening up the position, noting that there has not been one councilor who has been critical of Mr. Bennett on the Board. If the Council chooses to advertise, he suggested the Joint Powers Agreement be amended to require that all terms up for renewal go through the application process. It is the Council's job to have the backs of the Board members they select and Mr. Blakey said he doesn't believe that is the case. He questioned the precedent this decision would set.

Mayor Pro Tem Schroeder agreed. She reiterated the Board Chair has commented on how remarkable the progress has been at the airport over the past year, a time wherein Mr. Bennett served on the Board. They have asked that the City stay the course and not make any changes at this time.

In response to the letters read earlier in the meeting, Councilor Miller said she disagrees with people being negative and putting others down, but noted Senator Johnson's letter made an impact. With regard to Mr. Bennett's performance as an Airport Authority Board member, she said she believes he has been a strong leader and a great representative for the City. In this transitional critical time, Councilor Miller said she is supportive of soliciting applications to ensure the best leadership for the airport. She commended the entire Authority Board for all the hours and commitment they have given, stating this will be the next step in building the strength of the airport.

Councilor Pernsteiner said that if Mr. Bennett would have singlehandedly brought United Airlines to the Valley, he still feels that the position should go through the application process. The structure of the airport will outlive any member on the Board and he wants to ensure that both owners operate and abide by the rules laid down. He said it matters very little how the County selects their representatives, but it is hoped they would follow the same process for transparency reasons. This is what the citizens of Lewiston deserve.

Councilor Kelly said his support to open up the position to accepting applications in no way reflects his unhappiness of Mr. Bennett. It should be done to set an example of how both the City and County move forward.

Mayor Collins said he understands both sides of the issue. Mr. Bennett was placed on the Board at a time when the airport faced many challenges. The job that he did as part of that Board was outstanding. However, at the same time, it is important to have the best team possible. If Mr. Bennett is the best candidate, then that could be determined through the application process.

Councilor Miller offered a motion to open the Airport Authority Board position currently held by Jim Bennett and coming due in May to an application/interview process for appointment. Councilor Pernsteiner seconded the motion which carried 6 to 1, with Councilor Blakey voting nay.

D. AGENDA TOPICS

Councilor Bradbury said he would like to discuss the process for getting items on the Council's agendas at a future work session. The agenda seems to be determined by the staff rather than by the Council and he said he believes the items should go through the Mayor versus the City Manager. Council agreed to add this item as a future agenda topic.

At 7:45 p.m., Mayor Pro Tem Schroeder moved to go into Executive Session to discuss Pending Litigation in accordance with Idaho Code Section 74-206(1)(f). Councilor Pernsteiner provided a second and the motion carried. *ROLL CALL*

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

VIII. EXECUTIVE SESSION RE: PENDING LITIGATION: Idaho Code Section 74-206(1)(f)

Following a short recess, the Council discussed the item noted above. A motion was made by Councilor Blakey to adjourn the Executive Session. Mayor Pro Tem Schroeder provided a second and it carried 7 to 0.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Mayor Pro Tem Schroeder moved and Councilor Kelly seconded adjournment of the April 27, 2020, Regular Council Meeting at 8:10 p.m.

Kari Ravencroft, Recording Secretary

Date approved by City Council