

MAY 10, 2021

T HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular meeting on Monday, May 10, 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; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner.

Councilors Excused: Miller.

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.*

Johanna Frank addressed Pioneer Park, asking that it not be made handicapped accessible. She also expressed concern for pedestrians crossing streets within the city and asked that overhead walking paths be installed. Finally, Ms. Frank talked about the homeless population and potentially getting a facility similar to the ROC back up and running.

Molique Prior talked about drug use in the valley and the need for a homeless shelter. He requested that the city's transit system provide additional routes and later hours of operation. Mr. Prior provided a petition to the Council outlining the need for a reliable transportation system, as well as productive things to do for the youth within Lewiston.

John Michael said that after speaking with Transit employees, he believes an additional bus would be helpful. He stated the current system is not effective for the working poor. Further, he indicated the transit system could be utilized for big events in the downtown area to transport people from the Community Center. Mr. Michael then suggested the Community Center be open to the public for various activities. Finally, he stated a way to bring more vibrancy to the downtown area may be to have an area for artists to paint walls, such as was done in Boise.

IV. PRESENTATIONS AND PUBLIC HEARINGS

A. PROCLAMATION - EMERGENCY MEDICAL SERVICES WEEK - MAY 16-22, 2021

Mayor Collins read the Proclamation declaring May 16-22, 2021, as Emergency Medical Services Week and presented it to Fire Chief Myklebust.

B. PUBLIC HEARING: ZNC21-000003: KARL RUNSVOLD: *Accepting testimony on a request to rezone a 5.95-acre parcel of land at 704 Lapwai Road from the F-2, Agricultural Transitional Zone, to the R-1, Suburban Residential Zone (Hollingshead)*

Mayor Collins announced that this was the time and place advertised for the Public Hearing regarding ZNC21-000003 and declared the hearing open. He asked that a staff report be provided.

Assistant Planner Hollingshead explained the subject property is a single parcel of 6.95 acres containing a single family dwelling. The neighboring properties to the northwest, east and south are all zoned R-1, Suburban Residential and the undeveloped farm land to the west is zoned F-2, Agricultural Transitional.

Ms. Hollingshead indicated the applicant wishes to rezone so that he may consider subdivision options in the future. Under the current zone, a division of property can only occur in five-acre parcels, making the property ineligible to subdivide. The R-1 Zone allows for lots of 10,000 square feet when connected to sewer, or one-acre parcels when on septic. Sewer utilities are available in Lapwai Road.

Continuing, Assistant Planner Hollingshead noted that the Comprehensive Plan has a future land designation of Low Density Residential with a density range of 5 to 8 dwelling units per acre. Rezoning the subject property to R-1 would allow for a range of 4.3 (for single family dwellings) to 5.8 (for duplexes). Under the current F-2 Zone, there is no range of allowable density. It simply allows a single density of .02 dwelling units per acre.

The Planning & Zoning Commission recommends approval to rezone the property from F-2 to R-1, via proposed Ordinance 4813.

Mayor Collins asked for testimony either in favor or in opposition of the request. There being none, he closed the hearing.

V. CONSENT AGEND A

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".

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

- A. **ADVISORY BOARD AND COMMISSION MEETING MINUTES: 03/17/21**
Library Board – Action Item
- B. **JEFFERSON ADDITION ADMINISTRATIVE PLAT:** *Considering approving a three-lot subdivision located on the southeast corner of the 12th Street and Alder Avenue intersection in the Lewiston Orchards – Action Item (Weigand)*
- C. **RUDOLPH ADDITION ADMINISTRATIVE PLAT:** *Considering approving a two-lot subdivision located on the northeast corner of the 4th Street and Park Avenue intersection in the Lewiston Orchards – Action Item (Weigand)*
- D. **CDBG – WAIVER OF INTEREST DUE:** *Considering directing staff to release the CDBG lien on 301 Main Street upon payment of \$47,132.32 – Action Item (Von Tersch)*
- E. **VOUCHERS PAYABLE:** *04/16/21 through 04/29/21 - \$1,659,725.43 - Action Item*

VI. **ACTIVE AGENDA**

- A. **RESOLUTION 2021-20:** *Considering declaring Environmental Systems Research Institute, Inc. (ESRI) as the only reasonably available vendor for term license software associated with the City’s Geographic Information System (GIS) technology for FY2021-2026 – Action Item (Vanderpas)*

Public Works Director Johnson reported that the city has been using ESRI geographic information system (GIS) software for more than 20 years. A multi-year enterprise agreement will provide better pricing than proceeding on a year-to-year basis. The 5-year agreement for software includes a non-appropriations clause so that the agreement will terminate, without penalties, if the Council does not appropriate funds for the software in future years. Due to the 20 plus years of city information currently stored in this software and the cross-functionality implemented over many years with other city systems and software, it would be impractical to conduct a competitive process to potentially select another vendor. Compatibility of software and services is of paramount consideration and ESRI is the sole provider of its software, licenses and maintenance services. The total agreement is \$192,500, though the city would be billed \$38,500 annually for 5 years. IT budgets for this software each fiscal year and has \$38,500 for FY’21.

A motion and second were offered by Mayor Pro Tem Schroeder and Councilor Blakey, respectively, to approve Resolution 2021-20. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner. VOTING NAY: None. EXCUSED: Miller.*

B. ORDINANCES

1. First Readings

- a. **Ordinance 4813:** Considering implementing the City Council's decision in ZNC21-000003, declaring that certain real property be removed from the Agricultural Transitional (F-2) Zone and included in the Suburban Residential (R-1) Zone - Action Item (Hollingshead)*

Mayor Pro Tem Schroeder offered a motion to approve the first reading of Ordinance 4813 by title only. Councilor Pernsteiner seconded the motion. The motion carried 6 to 1, with Councilor Miller excused.

- b. **Ordinance 4815:** Considering amending, repealing, enacting and renumbering various sections in Chapter 35, Article IX, of the Lewiston City Code related to public assemblies - Action Item (Hermann)*

Assistant City Attorney Hermann explained that in August 2019, through Ordinance 4727, the Council repealed Lewiston City Code Chapter 35, Article IX, titled "Special Events," and enacted a new Chapter 34, Article IX, titled "Parades and Public Assemblies." Resolution 2019-40, which was approved by Council on October 14, 2019, established fees for parade and public assembly permit applications.

Continuing, Ms. Hermann said the Council, after further discussion, ultimately indicated it would like to have separate ordinances for parades and public assemblies and continue to require organizers of parades to obtain a permit from the Public Works Department and insurance, but only require organizers of public assemblies to obtain a permit from the Public Works Department and insurance if the public assembly would result in a street closure.

Ordinance 4815 closely mirrors Ordinance 4807 (parades) and amends, repeals, enacts and renumbers various sections in Chapter 35, Article IX related to public assemblies. Ms. Hermann provided an outline of the expectations of Ordinance 4815.

Councilor Bradbury complimented Ms. Hermann on a much improved document stating he believes the constitutional restraints have been removed. Councilor Pernsteiner said he too appreciates Ms. Hermann and staff for their work.

Councilor Bradbury moved to approve the first reading of Ordinance 4815 by title only. A second was offered by Mayor Pro Tem Schroeder and it carried 6 to 1, with Councilor Miller excused.

2. *Second and Third 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)*

A motion and second to combine the second and third readings and to waive the third reading in full of Ordinance 4812 were made by Mayor Pro Tem Schroeder and Councilor Blakey. There were no objections and the motion carried unanimously.

A motion was then made by Mayor Pro Tem Schroeder to read Ordinance 4812 for the second and third times by title only, with a second provided by Councilor Kelly. The motion carried 6 to 1, with Councilor Miller 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"

3. *Adoption and Approval of Ordinance Summaries*

- a. *Ordinance 4812* - Action Item

It was moved and seconded by Mayor Pro Tem Schroeder and Councilor Pernsteiner to adopt Ordinances 4812 and to approve the related ordinance summary. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner. VOTING NAY: None. EXCUSED: Miller.*

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

VII. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Bradbury said he was absent from the earlier meeting due to a medical procedure.

Councilor Kelly said he recently attended the Tree City USA presentation at the Cemetery and thanked Parks and Recreation staff for a job well done.

B. CITY MANAGER COMMENTS

City Manager Nygaard had no additional comments.

C. ADVISORY BOARD AND COMMISSION APPOINTMENTS

Mayor Collins offered a motion to approve the appointment of Vicky Ross to the BID Board. Mayor Pro Tem Schroeder provided a second and it carried 6 to 1, with Councilor Miller excused.

D. AGENDA TOPICS - ACTION ITEM

There were no new topics offered for future agenda discussion.

At 6:32 p.m., Mayor Pro Tem Schroeder moved to go into Executive Session to discuss items pertaining to Property Acquisition. The motion was seconded by Councilor Pernsteiner. *ROLL CALL VOTE: VOTING AYE: Collins; Schroeder; Blakey; Bradbury; Kelly; Pernsteiner. VOTING NAY: None. EXCUSED: Miller.*

VIII. EXECUTIVE SESSION RE: PROPERTY ACQUISITION: Idaho State Code 74-206 (1) (c) - To acquire an interest in real property not owned by a public agency - Action Item

Following a short recess, the Council met to discuss the item noted above. Mayor Pro Tem Schroeder and Councilor Pernsteiner moved and seconded to retire from Executive Session. The motion carried 6 to 1, with Councilor Miller excused.

IX. ADJOURNMENT

There being no further business to come before the Lewiston City Council, Councilors Kelly and Blakey moved and seconded adjournment of the May 10, 2021, Regular Council Meeting at 7:24 p.m.