

*March 14, 2022*

"Corrected"

**T**HE CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO, met in a Regular Meeting at the Lewiston Library Second Floor Activity Room at 411 D Street. Mayor Johnson called the meeting to order at 6:00 p.m.

City Council meetings are recorded live. To view the full video, go to <https://livestream.com/lewiston/events/3725902>

---

**COUNCIL MEMBERS PRESENT:** Mayor Johnson; Council President Liedkie; Councilor Blount; Councilor Forsmann; Councilor Kleeburg; Councilor Schroeder; Councilor Tousley.

**I. CALL TO ORDER**

Mayor Johnson called the meeting to order at 6:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

Wendy Larson, retired educator, led the Pledge of Allegiance.

**III. CITIZEN COMMENTS**

Keith Carlson thanked the Mayor and Council for authorizing the open house at their last meeting. He noted that it has been scheduled for April 12, 2022, from 3:00 p.m. to 6:00 p.m. at the Community Center and believes that it will be a very good informational opportunity for the public and council.

Mark Havens indicated that he presented preliminary data regarding senior citizens in the Valley at a recent Council meeting. He noted statistics, adding that currently the population of 65 and older is at about 21 percent in the Valley, representing almost the oldest population in the State of Idaho. Mr. Havens said this number will continue to rise within the next ten years if something is not done to bring younger people to this area. He stated that at the next meeting he will address the dynamics as to why there are not young people offsetting these senior citizens.

Ada Eldridge addressed the item on the agenda regarding reorganization and elimination of the Administrative Services Director position. She expressed her opinion that this has something to do with the Airport Authority Board and Mr. Marsh standing in the way of giving money to Doug Havens and Gary Peters. She asked if the reorganization plan will be shared with the community and followed that with a request to the Council to consider letting a great man go.

Rick Eldridge said he hopes the new Councilors and Mayor have the citizen's best interests at the forefront. He addressed an emergency with regard to food shortages, adding that children are going to be hungry. He encouraged the Council to focus on children and the citizens of Lewiston by developing procedures to address this shortage.

**IV. CONSENT AGENDA**

Mayor Johnson 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 Schroeder and Blount moved and seconded, respectively, adoption of the Consent Agenda. *ROLL CALL VOTE: VOTING AYE: Liedke; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

- A. **LEWISTON CITY COUNCIL MEETING MINUTES:** 02/23/22 Chapter 2 Subcommittee; 02/28/22 Special Audit; 02/28/22 Regular; 03/02/22 Chapter 2 Subcommittee
- B. **ADVISORY BOARD AND COMMISSION MEETING MINUTES:** 02/03/22 and 02/17/22 Historic Preservation Commission; 02/09/22 Planning & Zoning Commission
- C. **VOUCHER'S PAYABLE:** Considering approval of the Vouchers Payable dated 02/18/22 through 03/03/22 - \$2,057,281.97

**V. ACTIVE AGENDA**

- A. **CONSIDERATION OF EMPLOYMENT SEPARATION AND RELEASE AGREEMENT:** Due to the City's reorganization plans, considering an Employment Separation and Release Agreement between the City of Lewiston and Dan Marsh, expressing the City's sincere gratitude for Mr. Marsh's 25 years of dedicated service to the City

Public Information Officer Maurer read into the record the attached press release thanking Dan Marsh for his 25 years of outstanding service to the City of Lewiston.

Dan Marsh thanked the Mayor, Councilors, citizens, teammates and his family, noting that he has appreciated the many kind words. Though this was not what he expected for his last 15 months of his career with the City, life is full of twist and turns and this is one of those. He expressed concern for his team having to pick up the responsibility of the position. Mr. Marsh commended his fellow directors, saying they are the ones who make a difference for the citizens of Lewiston. He noted that he admires the new councilors and has been impressed with the amount of research they have done. Mr. Marsh addressed the work to date at Community Park, adding that this will be Lewiston's legacy for years to come. He said he believes he will be leaving the City in a much better financial situation than when he began with approximately 130 days, or \$12.5 million, of cash on hand. Money has been set aside for Community Park and the city will be able to cash flow a new fire station in 2 years. Mr. Marsh said it has been a pleasure to get to know and work with many City Managers and Mayors during his tenure. He thanked his family for coming this evening.

Councilor Schroeder congratulated Mr. Marsh on 25 years of service to the City, emphasizing that he has done a phenomenal job. She added that Mr. Marsh will certainly be leaving the city in much better shape than he found it, attributing it to a job well done.

Expressing her congratulations, Councilor Forsmann said she has appreciated all the meetings she has had with Mr. Marsh who has helped her to learn the processes.

Councilor Liedkie moved to approve the Employment Separation and Release Agreement between the City of Lewiston and Dan Marsh. Councilor Kleeburg provided the second.

Councilor Liedkie noted that change is never easy; however, with Dan's leadership, she believes his staff will be able to move forward with all of the things they have learned from him. She encouraged him to look back on his tenure with pride and know that this Council and future Councils will look to what Mr. Marsh has accomplished.

Councilor Tousley said there are many positive role models in the community, with Mr. Marsh being one of them. He said that he felt Dan was a friend from the first time he met him. Councilor Tousley offered him congratulations and wished him well.

Councilor Blount thanked Mr. Marsh for his 25 years of service and wished him enjoyment in his early retirement.

Mayor Johnson stated that Mr. Marsh is a good person and he thanked him for his service. He added that he and Dan will be friends well into the future.

The motion on the floor unanimously. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

**B. AXON/EVIDENCE.COM CONTRACT: *Considering a five-year contract between the City and Axon for Police Department body cameras, car cameras, tasers and interview room cameras***

Councilor Tousley asked for clarification on the payment plan outlined within the contract. Mr. Birdsell explained that not all of the equipment will be available when the first payment is due. Therefore, the remainder of the payments within the five-year payment plan are higher.

Councilor Tousley moved to approve the five-year contract between the City and Axon for Police Department body cameras, car cameras, tasers and interview room cameras. The motion was seconded by Councilor Liedkie. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

**C. RESOLUTION 2022-09: *Considering the destruction of certain Lewiston Police Department Records***

It was moved and seconded by Councilors Schroeder and Blount, respectively, to approve Resolution 2022-09. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

**D. RESOLUTION 2022-07: *Considering declaring the City of Lewiston's intent to donate real property owned by the City to Nez Perce County***

Mayor Johnson explained that Resolution 2022-07 addresses the potential donation of real property in front of City Hall to Nez Perce County without monetary consideration; provided, however, that the County agrees to a restrictive covenant to run with the land limiting any building on the property to one story; a written agreement between the County and City wherein the County promises to reserve for City employee parking a certain number of parking spaces; and a written agreement promising to donate 1239 Idaho Street to the City when they no longer wish to utilize the parcel.

Councilor Liedke moved to approve Resolution 2022-07. Councilor Tousley seconded the motion.

Councilor Liedkie said she has been following this for a long time and believes this is the right move on the part of the city in an effort to collaborate with the County. She commended the Mayor and staff for developing the Resolution and thanked the Commissioners for keeping downtown viable through this build. Not only will it help commerce, but also the appeal of the downtown area.

Councilor Kleeburg stated he has always envisioned a small piece of green space with a couple of picnic tables across from City Hall for people that might be waiting for family and friends while they are in court or to have lunch. He stated he believes there is a big enough area to accommodate both the needs of the courthouse while providing a green space area.

Councilor Blount expressed his belief that by not charging the County for the land, the City would be walking away empty handed. He said he thinks the County should be charged fair market value for the parcel. Councilor Forsmann said her concern with charging Nez Perce County is that the costs would be passed along to the taxpayers.

Blount offered a motion to table Resolution 2022-07 for further review before making a final decision. The motion was seconded by Councilor Kleeburg. The motion failed 2 to 4. *ROLL CALL VOTE: VOTING AYE: Blount; Kleeburg. VOTING NAY: Liedkie; Forsmann; Schroeder; Tousley.*

Mayor Johnson noted that the County Commissioners provided a letter of intent on March 9<sup>th</sup> that outlines what they are willing to provide.

The main motion carried 4 to 2. *ROLL CALL VOTE: VOTING AYE: Liedkie; Forsmann; Schroeder; Tousley. VOTING NAY: Blount; Kleeburg.*

- E. **PRELIMINARY PLAT - BONNALIE ADDITION** *Considering the approval of the subdivision of approximately 6.47 acres located near the easterly end of Country Club Court into two lots, including the creation of a private street to serve the two proposed residential lots*

Public Works Director Johnson explained that the majority of the proposed development is located within the R-2 Zone and all development of the proposed lots would be subject to the conditions of that zone. A small portion of the south-westerly edge of the subdivision is located in the F-2 Zone, but no portions of the subdivision in that zone are suitable for development of residential structures. The owner is currently in the process of developing a residence at the location indicated on proposed Lot 1. The applicant's ownership includes property which provides 22 feet of frontage on Country Club Court. Per the requirements of the Zoning Code relating to street access, the current frontage is only sufficient for one residence unless the access road is designated as a private street in conformance with Section 37-123.2(4). The Zoning Ordinance does allow access to development lots via private streets, when the private street has been approved by the City Council through a subdivision plat. Approval of the subject plat will be contingent upon approval of the private street, as access for a second lot cannot be achieved otherwise. Should the use of a private street be authorized, the final alignment and design of the private street will need to conform to the requirements of the Lewiston Fire Department relating to fire apparatus access roads. The use and maintenance of the private street shall be shared by the two lots, and no additional residential lots shall be allowed to be accessed by the approved private street. Due to the distance of the proposed residences from the City sewer main, and the size of the proposed lots, the use of septic system(s) has been approved. The proposed residences will also be required to install fire sprinkler systems for fire protection.

It was moved and seconded by Councilors Schroeder and Kleeburg, respectively, to approve the Bonnalie Addition Preliminary Plat, including the creation of a private street to service the two proposed residential lots. The motion carried 6 to 0.

- F. **IRREVOCABLE CONSENT TO ANNEXATION AND UTILITY SERVICE AGREEMENT:** *Considering approval of an agreement between the City and Greco Land Development LLC*

Community Development Director Von Tersch reported that staff has been working on this project for a very long time and is extremely happy the landowner has finally signed the agreement. Mr. Greco will have to abide by the improvements outlined in the agreement, and the property can then be annexed into the City before home construction begins.

Councilor Kleeburg asked what this agreement means for the first phase of the project that is fronting 23<sup>rd</sup> Street. Ms. Von Tersch replied that though Phase III will be annexed, it would be very disruptive to the property owners fronting 23<sup>rd</sup> Street due to the way the septic systems were situated. Staff has not moved forward with this as it would be up to the Council to direct otherwise. Mr. Kleeburg noted that this will create an island, and mentioned the Skinner property located between the High School and Community Park that has not yet

been annexed. Ms. Von Tersch said it is her recommendation that this property come into the city so they will have municipal service as Community Park develops.

In response to a question raised by Councilor Tousley, Community Development Director Von Tersch explained that property owners outside of the city limits are charged 50 percent more for equity buy-in and maintenance charges than City residents.

A motion was made by Councilor Schroeder to approve the Irrevocable Consent to Annexation and Utility Service Agreement between the City of Lewiston and Greco Land Development LLC. A second was provided by Councilor Kleeburg. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

**G. RESOLUTION 2022-12: *Considering adoption of a revised Personnel Policy***

Human Resources Director Province explained that the Personnel Policy was updated following Council discussion and direction at a recent Work Session.

It was moved and seconded by Councilors Liedke and Schroeder, respectively, to approve Resolution 2022-12. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

**H. ORDINANCES**

**1. SECOND AND THIRD READINGS**

- a. Ordinance 4839: *Amending Sections 37-41.6 and 37-41A.6 of the Lewiston City Code related to minimum lot width in the Normal Hill North (NHN) Zone and Normal Hill South (NHS) Zone***

Councilors Liedkie and Schroeder offered a motion and second to combine the second and third readings and to waive the third reading in full of Ordinance 4839. The motion carried 6 to 0.

Councilor Liedkie then moved to approve the second and third readings of Ordinance 4839 by title only. The motion was seconded by Councilor Schroeder and carried 6 to 0.

**ORDINANCE 4839: "AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTIONS 37-41.6 AND 37-41A.6 OF THE LEWISTON CITY CODE RELATED TO MINIMUM LOT WIDTH IN THE NORMAL HILL NORTH (NHN) ZONE AND NORMAL HILL SOUTH (NHS) ZONE; AND PROVIDING AN EFFECTIVE DATE"**

2. ADOPTION AND APPROVAL OF ORDINANCE SUMMARY

a. Ordinance 4839

A motion was offered by Councilor Liedke and seconded by Councilor Schroeder to adopt Ordinance 4839 and its Ordinance Summary. *ROLL CALL VOTE: VOTING AYE: Liedkie; Blount; Forsmann; Kleeburg; Schroeder; Tousley. VOTING NAY: None.*

I. ITEMS MOVED FROM THE CONSENT AGENDA

None.

VI. UNFINISHED AND NEW BUSINESS

A. CITY COUNCILOR COMMENTS

Councilor Liedkie encouraged citizens to get involved, noting that there are public meetings happening all the time. She said that if anyone has a concern, they are welcome to ask questions.

Councilor Forsmann noted that the agendas on the City website require a download if accessed from an individual's phone. She asked that this be reviewed in an effort to make the process easier.

Councilor Tousley indicated that he ran his campaign for Council with the idea of increasing transparency in government. He said he apologizes to City employees as he has realized that everything is transparent if a person is willing to look for it or make a phone call. He encouraged everyone to begin at the source and not to rely on hearsay.

Councilor Kleeburg addressed comments made during Citizen's Comments regarding him not listening to the citizens. He said that he has dedicated four years to the Planning and Zoning Commission and is currently serving his 13 year on the City Council as both a Mayor and Councilor. The Council is here to listen. He encouraged citizens to get involved in their community as this is what helps to make Lewiston great.

Councilor Kleeburg expressed his appreciation to P1FCU for donating between \$70,000 and \$80,000 for new AstroTurf at Hereth Park. He noted that this zero maintenance product will serve as a model during Community Park development.

B. CITY BOARDS AND COMMISSION LIAISON UPDATES

Councilor Schroeder said that she serves as the liaison to the Historic Preservation Commission. She noted that it is again time to submit nominations for Orchid Awards where

individuals have gone above and beyond to preserve their homes, buildings or businesses. She encouraged anyone who knows of somebody who has restored an old house to get their nomination in by April 1, 2022.

Councilor Forsmann said she is honored to serve as Council liaison for the Parks and Recreation Commission. The group has been putting a great deal of work into the Parks Master Plan. She encouraged people to get involved and to visit the city's website for information.

**C. MAYOR COMMENTS**

Mayor Johnson thanked everyone for their attendance and for respecting the process. He stated that everyone's input is always welcome and appreciated.

**D. ADVISORY BOARD OR COMMISSION APPOINTMENTS**

It was moved by Mayor Johnson and seconded by Councilor Schroeder to appoint Linda Glines to the Parks and Recreation Advisory Commission. The motion carried 4 to 1 to 1, with Councilor Blount voting nay and Councilor Liedkie abstaining.

Mayor Johnson and Councilor Schroeder moved and seconded the appointment of Josh Brown to the Library Board. The motion carried 5 to 1 with Councilor Blount voting nay.

**E. AGENDA TOPICS**

Councilor Schroeder offered a motion to discuss the innovation hub at a future meeting. Councilor Forsmann provided a second and it carried 6 to 0.

Councilor Forsmann asked if an update will be provided on 854/858 Main Street. Assistant City Attorney Hermann reported that she sent an update to the Council via e-mail a couple of weeks ago and will provide another update as soon as the formal bid process is complete.

**VII. ADJOURNMENT**

There being no further business to come before the Lewiston City Council, Councilors Kleeburg and Schroeder moved and seconded, respectively, adjournment of the March 14, 2022, Regular Meeting at 7:12 p.m.