

City of Lewiston
City Council Regular Meeting Minutes

City Hall
January 25, 2012

1. Call to Order

Mayor Sommer called the Regular Meeting of the City Council of Lewiston to order at 7:00 p.m., January 25, 2012.

2. Pledge of Allegiance

3. Roll Call

Members present: Mayor Sommer, Clm Sannes, Clm Rupprecht and Clm Trester. Clm Fischer was absent.

4. Approve Agenda

EDA Report was added as 10.1. Personnel Committee Report was added as 10.2. Sick Leave Compensation was added as 11.1. **Motion by Clm Rupprecht, seconded by Clm Sannes, to approve the agenda. All voted in favor. Motion declared carried.**

5. Meeting Minutes

No changes were presented for the minutes of the August 10, 2011 Special Meeting; the minutes stood approved. No changes were presented for the minutes of the August 17, 2011 Special Closed Meeting; the minutes stood approved. No changes were presented for the minutes of the August 24, 2011 Special Meeting; the minutes stood approved. Clm Sannes introduced the following amendment to the minutes of the September 7, 2011 Special Meeting: change "Clm Sommer" to "Clm Sannes." **Motion by Clm Trester, seconded by Clm Rupprecht, to approve this change to the minutes. All voted in favor. Motion declared carried.**

No changes were presented for the minutes of the January 11, 2012 Work Session; the minutes stood approved. No changes were presented for the minutes of the January 11, 2012 Regular Meeting; the minutes stood approved. Added to the packet for this evening's meeting were the minutes of the December 12, 2011 Work Session. These minutes stood approved as no changes were presented.

6. Accounts Payable

Mayor Sommer said that on page 1, the MN Department of Revenue line item should say 3rd quarter, not 4th quarter, in regards to the sales tax penalty. Beth Carlson related that the state will inform us if this will be the final amount, and we now have this payment on the calendar so it will not be missed in the future. **Motion by Clm Rupprecht, seconded by Clm Sannes, to approve accounts payable with the said change. All in favor. Motion declared passed.**

7. Citizens Concerns

No citizens were present to voice concerns.

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8. Ron Westphal, Sr. re: snow removal by his property at 65 Fremont St. S.

Jen Hengel explained that Mr. Westphal had requested to be placed on the agenda to address the Council. He was not present. Mayor Sommer said the Council could come back to the item if Mr. Westphal arrives later in the meeting.

9. Wastewater Report

Ken Johnson and Herb Krueger of PeopleService came forward to provide information about the Wastewater Treatment Plant's classification. First Mr. Johnson asked if there were any questions regarding his regular report to the Council. Mayor Sommer asked about the generator, and Mr. Johnson responded that it has started just fine. In regards to the plant's classification, Mr. Krueger said that he and the city engineer had sent e-mails to the MPCA, but neither message changed the MPCA's determination that the Lewiston plant should be class A. Mr. Krueger has now requested that the Lewiston plant be able to continue with testing once per week instead of twice. The last e-mail he received, which he shared with the Council, said that this request is being discussed. Clm Trester asked if Lewiston has any advocates in these discussions. The MPCA's discussions are internal meetings. Mr. Krueger made it clear that a reduced testing schedule would result in less of a cost increase when the plant becomes class A. Regardless of its classification, the plant will begin new, added testing requirements, which will cost about \$188 per month. After two years with negative results, the city can petition to discontinue these tests. Mr. Johnson mentioned that all stream testing has discontinued. Mercury testing is conducted two times each year at a cost of \$500 per test. The class A required testing schedule would cost the city an additional \$10,000 per year in operating costs. If the reduced testing schedule is approved, even under the class A status, then there would not be this added cost and the financial impact to the community would be about \$1,500. Chlorination year-round would happen anyway. Clm Trester said that the Council needs to take steps to work with our representatives to push for the reduced schedule to save the city the \$10,000. Mr. Johnson mentioned that the construction permit for the new equalization basin resulted in the MPCA taking another look at the plant's classification. Mr. Krueger said that Appleton, MN's plant is class A and was given permission to reduce its testing. Mayor Sommer, Clm Trester and Mr. Johnson all stated their willingness to go to the Capitol to talk with legislators. Clm Rupprecht asked about the legislature's impact on MPCA regulations. Clm Trester said the city is looking for a little leeway in the testing schedule, which should be considered with the size of our community. Clm Trester requested that Mr. Krueger find out from Appleton what the deciding factors were in their receiving permission to have a reduced schedule. It was also noted that with a class A plant, Mr. Johnson will have to receive his A license and have 36 contact hours instead of 24.

10. Public Works Report

Public Works Director Gary Babcock requested approval of the TruGreen quote to have four parks treated with fertilization and weed control. This same treatment was applied once last year and is in the budget. ***Motion by Clm Rupprecht, seconded by Clm Sannes, to approve the TruGreen treatment of the four city parks as listed for \$1,228.05. All voted in favor. Motion declared carried.***

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Mr. Babcock asked the Council's approval to attend schooling for his Class C Water License. The training is in Rochester and costs \$125 for registration. This training will be beneficial for the city's water filtration project. The cost is \$157 with the license fee. ***Motion by Clm Rupprecht, seconded by Clm Sannes, to authorize Gary Babcock to attend the Class C Water License schooling February 29 through March 2 at a cost of \$157, including the training and the license. All voted in favor. Motion declared carried.***

Lastly, Mr. Babcock described equipment needs within the Public Works Department. The dump truck used for snow plowing and the red truck used for hauling snow are both over 20 years old. The red truck nearly missed passing the Mn/DOT inspection, and he has been running into problems with finding parts to maintain these trucks. Mr. Babcock explained many repairs that the trucks have had in the past few years. He also explained the idea of leasing a truck through one company, and he asked that the Public Works Committee get together to go over potential options. Mr. Babcock also said that four funds could contribute to a payment for a new truck. Clm Trester asked about finding a used truck. Mr. Babcock said he would like to buy an automatic. Clm Rupprecht requested that the matter be referred to the Public Works Committee for discussion. Mayor Sommer commented that the department's vehicle money was used to buy the new pickup. Mr. Babcock said the Mn/DOT's inspection caused him to begin thinking about vehicle replacement. Clm Trester suggested that another option may be to look at whether or not the city should do its own plowing. Mr. Babcock said the committee can look at the feasibility of several options.

10.1 EDA Report

Mayor Sommer said that the EDA Board met on January 23. Officers are President Jon Nienow, Vice-President Sharon Trester, Secretary Chris Giesen, and Treasurer Russ Buege. Included as an add-on in the council's agenda packet was a memo from Chris Giesen that requested the council's consideration of a loan request from Glover Spare Time. The loan from last July was not issued since the buyers were not able to close on the business at that time. The new loan amount is \$21,500. Clm Trester asked about the start time for the monthly payments, which according to the memo would be March 2013. Ms. Hengel stepped out to call Mr. Giesen for clarification as this was thought to be a typo. ***Motion by Clm Sannes, seconded by Clm Rupprecht, to approve the EDA recommendation for a loan of \$21,500 for Glover Spare Time with the terms as set in the document with the first payment beginning March 1, 2012. All voted in favor. Motion declared carried.***

10.2 Personnel Committee Report

Clm Trester reported that the Personnel Committee is all caught up on its minutes. Budgets and raises were discussed briefly and will be talked about further at the council's next work session. Clm Trester said the committee talked about the part-time office assistance position. Carolyn Janikowski will be on the office schedule through February 9. After that date, the Personnel Committee recommends asking her to be on-call. Mayor Sommer said the committee felt it would be beneficial to keep her on the payroll for times when there is a need for office personnel. The mayor's approval

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would be needed to ask Ms. Janikowski to come in. Clm Trester said the city has a minimal obligation and having Ms. Janikowski available as an on-call employee may be mitigating risks. Clm Rupprecht agreed that it could mitigate potential problems. The decision will be presented to Ms. Janikowski.

The Personnel Committee also talked about Jen Hengel's part-time position. The committee recommends having the position be salaried. ***Motion by Clm Trester, seconded by Clm Rupprecht, to approve the part-time city clerk position as a salaried position at 312 hours and \$7,800 annually. All voted in favor. Motion declared carried.***

Clm Trester reported that Matt Essig, as the city's Safety Coordinator, has provided safety training and Right to Know training to employees.

11. Resolution 2012-02 Authorizing CEDA Employees to Execute Obligations on the City's Behalf

Motion by Clm Rupprecht, seconded by Clm Sannes, to approve Resolution 2012-02 authorizing CEDA employees to execute obligations on the city's behalf. All voted in favor. Motion declared carried.

11.1 Sick Leave Compensation

At the time of her departure from the city, Beth Carlson requested that her sick leave be paid out. Clm Rupprecht related that the code has transcription errors and no policy except for upon retirement. There is no ability to payout sick leave accruals under the code. However, he mentioned two other circumstances to consider: 1) Ms. Carlson's position was appointed outside of the code, and 2) the city has allowed such compensation in the past despite the lack of such a provision in the code. Clm Rupprecht said there is sufficient reason to refer this issue to the city attorney to reconcile what has been done in the past and what is stated in the code. There was a question as to whether the payout of sick leave accrual has come before the council in the past. Clm Trester said that this could set precedence. Ms. Carlson said that she would rather have the council disregard her request than spend money on an attorney. Clm Rupprecht responded that this goes beyond Ms. Carlson's situation. Mayor Sommer said that attorney should look at the instances where it has been paid out in the past. Clm Sannes asked about the cost of the payouts because that would be a consideration before spending money on an attorney. Mayor Sommer asked Clm Rupprecht to find out the actual payout amounts and to contact the attorney. Clm Trester said that we need the city attorney to weigh in so we understand our obligation. Clm Rupprecht added that the attorney's recommendation may be to move on.

12. Municipal Clerks & Financial Officers Association's Annual Conference: Request to send Beth Carlson and Jen Hengel and split costs with CEDA

Clm Trester said it has been past practice to send the city administrator to this conference. Mayor Sommer said that the CEDA contract says that training options will always be considered on a case

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by case basis. **Motion by Clm Trester, seconded by Clm Rupprecht, to approve Jen Hengel's registration and costs to attend the MCFOA annual conference March 20-23. All voted in favor. Motion declared carried.** It was mentioned that CEDA will be covering the office during that week.

13. Council Concerns

Clm Sannes said that the February 22 meeting is on Ash Wednesday. The meeting was moved to 5:00 p.m. in consideration of this event.

Mayor Sommer said the February 8 Work Session at 5:00 p.m. will include discussion of the city's Beautification committee or commission and the budget. Clm Rupprecht mentioned that the Council also has code issues to work on, so this topic was added as a third item.

It was decided to leave it up to Ms. Carlson and Ms. Hengel as to whether the office will need to close on Friday, March 23 at noon due to their absence from the office.

14. Informational Items: Fire Dept. invite, Admin Operations memo

Informational items were included in the agenda packet.

15. Adjourn

Motion by Clm Rupprecht, seconded by Clm Sannes, to adjourn. All voted in favor. Motion declared carried. The meeting adjourned at 8:24 p.m.