

**Lewiston City Council**  
**Council Meeting Minutes**

**June 23, 2021**

**Electronic Meeting via Zoom – 7:00 p.m.**

**1. Call to Order**

Virtual City Council meeting called to order by Mayor Beth Carlson at 7:05 p.m., Wednesday, June 23, 2021.

**2. Pledge of Allegiance**

**3. Roll Call**

Present (5): Mayor Beth Carlson, Councilor Ben Borchardt, Councilor Nick Ebnet, Councilor Dan Roberton. Not Present (0): none.

Others Present: Public Works Director Curt Benter, Ambulance Director Matt Essig, Police Chief Scott Yeiter, and Polly Calhoun

**4. Agenda-Changes and Additions- None**

Councilor Roberton motioned for approval of the Agenda as presented. Seconded by Councilor Boynton. Approved 5-0.

**5. Adopt Consent Agenda**

- A. Regular Council Meeting minutes- June 9, 2021
- B. Accounts Payable #1
- C. Accounts Payable #2

Councilor Roberton motioned to adopt the consent agenda as presented. Seconded by Councilor Boynton. Approved 4-0. Mayor Carlson abstained from voting.

**6. Citizens' Concerns- None**

**7. Eagle Scout Project – Update on Signage**

Zach Schultz, an Eagle Scout with Boy Scouts of America, spoke to Council about having new signage put out at Prairie Trails Park. These would include informational signs along the trails, a large sign with a small roof in the parking lot with a map of the park's trails and a bulletin board that could be changed to update information on it, and a sign bearing the park's name at the entrance. The cost for all three signs will be around **\$6,100**, though they may get them at a discounted price. The Scouts will be accepting donations for this project.

**8. People Service Monthly Report – James Creaghe**

Report is in the packet. Creaghe shared that the results from the inspection a couple months ago was still pending. The City had received notice of alleged violations. The compliance officer had told Creaghe that no one from the City had contacted him yet. Director Benter said that he has the phone number and will give him a call. Creaghe stated that all the violations listed in the report were accurate and that an infiltration into the system during storms was the cause.

**9. Resolution 2021-11 – MNDOT LUP Agreement**

Chief Yeiter stated that MnDOT had updated the language and terms of its Limited Use Permits (LUP) regarding municipal identification entrance signs. He said that nothing has really changed beyond the number of pages being doubled.

Councilor Borchardt motioned to adopt Resolution 2021-11 MnDOT LUP Agreement. Seconded by Councilor Boynton. Approved 5-0.

**10. Public Works Update – Street Repairs of Harrison/1<sup>st</sup> Ave. N.**

Director Benter shared that all blacktop repairs had been completed on 1<sup>st</sup> Ave. N. and at 650 Harrison by Asphalt Armor. They did a small repair on North St. around a manhole covering that was damaged by a plow two years ago. He said there are now two bike repair stations ready for use. One by South Park and one by City Hall.

Benter stated that he discovered there are two water meters at the high school that have not been read in a long time. He said Chief Yeiter would have more on the topic. He is hoping to get radio meters that would use an antenna to read the meters on Banyon. This would save a lot of time for Public Works.

Councilor Boynton asked Benter if anything had been done with repairs for Rich Ahrens. Benter said Bolton and Menk is aware of the damage to the fencing but has not done anything to repair it yet.

**11. Water Billing Update – Acting Clerk Yeiter/PW Director Benter**

Chief Yeiter spoke with Council about the problem regarding water usage at several properties being underreported. He explained that the error appears to have begun when new meters were installed in the late 2015-early 2016 timeframe. Staff have not been entering the correct amount digits in the Banyon system, which has caused some customers to be billed for an amount either 10x or 100x less than what they should have been. It has occurred with both commercial and residential properties. A detailed report is included in Council's packet.

Yeiter, thus far, estimates the City to have missed **\$190,417.01** in revenue as a result of this error. Council discussed what they are able to do to recover some of the money that was lost. They may be able to file an insurance claim with the insurance through the LMC. Yeiter stated that he is uncertain how some of the commercial customers did not notice a change. One of those businesses saw their bill go from an average of **\$1,700-\$1,800** per month down to a **\$48** bill. According to the LMC's language around this sort of issue states the City "may" go back as far as six years to recover money. With that, they have to also allow the customers six years to pay. They cannot charge any interest. He said that some of the inputting errors were done by contracted employees who were required to have errors and omissions. Yeiter did not believe the errors occurred intentionally. Councilor Roberton said he would not want to go back to customers for the bills because it was not their fault and would like to explore filing a claim. One customer has 2.5 million gallons of unpaid for water. Benter said the DNR permit is good for 80 million gallons per year and this error has led to about 13 million gallons lost. He has spoken with an engineer about new meters and learned more about the codes used. Yeiter believes most of the meters with these errors were installed prior to the start of 2016. After one deputy clerk appears to have tried to correct the error in the first month, the meter was changed, and the code went back to five digits instead of the correct six.

Yeiter stated that, as a department head and acting clerk, he has a budget of **\$1,500**. He would like to use that to have Banyon come to Lewiston and teach the system to the staff beginning in July and anyone else who needs it. The cost is **\$500** per day, per module and there are three modules. He has already made arrangements with Banyon. Matt Essig will also be learning the system if he is back in time so he can do his own payroll and as backup. Yeiter suggested getting all meters in town replaced with the radio read meters. Benter believes there are between 38 and 42 properties that still have manual read meters.

Yeiter will be contacting the LMC to get more information about the City's options and will contact the City attorney if he needs to. Councilor Roberton asked how long the meters are good for and Benter said the new radio meters are good for twenty years and the older meters are good for ten to fifteen years. Roberton also asked if they should be budgeting for these meters. Benter said he budgets for six each year. Yeiter said COVID funds can be used on radio read meters.

## **12. IRS – Update on Disallowed Deductions**

Chief Yeiter discussed two letters received from the IRS. The City had several employees take advantage of the emergency sick leave for COVID. Government employers are not eligible for the credit, but past City staff chose to take the deduction anyways. Yeiter said the City has made the payment of **\$4,374.78** and will hopefully get the penalty and interest reduced. When another bill is received, Yeiter will inform Council.

## **13. Committee Meeting Updates**

**13.1 Public Works** – Councilor Borchardt said there was a brief discussion on the subdivision ordinance being worked on by the EDA and Bolton and Menk. The nuisance ordinance was also discussed and Borchardt provided doorhanger information to Benter, per his request. Borchardt believes Council should come back to that topic for any changes they would do to the nuisance section of the City code. WAC and SAC funds were discussed, and he will be reaching out to LMC and Bryan Holtz about how the funds can be allocated.

**13.2 EDA** – Councilor Ebnet said there were problems with Zoom during the meeting. There was some progress on the property on Main St. Mayor Carlson said there had been one applicant for the Façade Grant, but they are asking the applicant if they would like more done. Ebnet said they would like the applicant to take advantage of the whole amount they are eligible for. Hosting a drive-in movie night at the Crossing Center that the EDA would sponsor is being considered. Ebnet also shared that the City has a new CEDA representative (Dusty Liston) who has already started working in the area. She will be in Lewiston on Thursdays.

## **14. COVID-19 Information & Updates**

Chief Yeiter said they are awaiting relief funds. He said they will likely send the funds out EFT again and will probably send out some restrictions and requirements for spending the funds. Mayor Carlson said that LGA and the first half of property taxes would be coming in soon. Councilor Roberton asked if there was any update on having Council meetings in person. Yeiter said he had not heard back from Robert Pack about equipment needed to have a hybrid meeting.

## **15. Acting Clerk Report – Potential Shutdown/Hiring Update**

Chief Yeiter shared that the new deputy clerk and interim city administrator had met their hiring requirements and that both would be starting on July 6. The Minnesota state legislature has not reached a budget agreement and if there is no agreement, he said the state will shut down on July 1. Any programs the City is involved with through the state will also be shut down until the state reopens. That may affect some payments to the City.

Yeiter told Council that elected public employees are eligible for PERA retirement. He will be forwarding the information for it out to all of Council. He mentioned having Banyon come for training employees and staff on their program. Banyon will do the training in person if everyone involved is vaccinated. Other cities may be asked if they would like to also receive training and potentially do cost-sharing.

Yeiter said he had a conversation with the owner at **80 Williams St.** and told him that it seemed like he had hit a wall with his progress on the property. The vehicles left on the property are all currently registered at this time. He spoke with the owner about the boats, motorhome, and scaffolding and ladders. The owner said he would take them down when he gets the home fixed up. Yeiter told the owner that they need to keep working towards resolution and if Council sees progress halt, the City may need to step in again. There was discussion about the July 14 City Council meeting may be in person.

Yeiter shared that salaried employees are allowed hour for hour comp bank up to a maximum of forty hours, but he will have about forty-five hours and had over twenty in the last pay period. He asked that Council allow him to exceed the maximum amount until the City is back to functioning normally. Councilor Roberton asked if they want to set a new limit on hours, but Council decided going with suspending the cap on comp bank hours with an end date made more sense.

Mayor Carlson motioned to temporarily suspend the cap bank on comp until August 11 for salaried employees. Seconded by Councilor Roberton. Approved 4-0.

## **16. Additional Council Concerns**

*Councilor Ebnet* – nothing.

*Councilor Boynton* – nothing tonight.

*Councilor Roberton* – nothing.

*Councilor Borchardt* – when we are done with all the extra tasks and work staff and employees have been doing, we should have some way to account for the extra time and hours everyone has been putting in.

*Mayor Carlson* – we will go down to only one link for Council meetings. Chatfield may be interested in participating in the Banyon training. With Council's approval, I would like to extend the offer to them and do cost-sharing. Council it is good to get the cost down.

Councilor Boynton motioned to adjourn the City Council meeting. Seconded by Councilor Roberton. Approved 5-0.

The City Council Meeting was adjourned at approximately 8:37 p.m. on June 23, 2021.

Submitted by:

Polly Calhoun

Secretary Pro Tem