

**Lewiston City Council**  
**Council Meeting Minutes**  
**December 9, 2020**  
**Lewiston City Hall – 6:00 P.M.**

**1. Call to Order**

Electronic City Council Meeting called to order by Mayor Beth Carlson at 6:00 pm December 9, 2020.

**2. Pledge of Allegiance**

**3. Roll Call**

Present (4): Mayor Beth Carlson, Councilor Dan Robertson, Councilor Carol Boynton, and Councilor Larry Rupprecht. Not Present (0).

Others present: City Administrator/Clerk Cheryl Knight, Ambulance Director Matt Essig, Police Chief Scott Yeiter, Public Works Director Curt Benter, Erik Fredberg, Nick Ebnet, Bryan Brown, Mike Bubany, Bryan Holtz, Joe and Marilla Daley, Rob Jarrett, and Polly Calhoun.

- 4. TIF Hearing-** Mayor Carlson opened the hearing at 6:01pm and announced this TIF hearing was a redo because of an error in the original publication notice. Mike Bubany, the City's financial advisor, explained that the meeting notice said the hearing would be at City Hall, even though the meeting was being held electronically via ZOOM due to COVID. It is an economic development TIF district being proposed, with up to nine collections, whereby the City will collect a portion of the new taxes associated with the expansion by Plasticert. For up to the same nine (9) years, the City will send the increment (new tax) back to the company to reimburse them for project costs associated with the expansion. The amount will equal up to \$90,000 and change plus 5% interest. Ultimately, it is a function of the true value of the property and the actual taxes paid. There is no financial risk to the City.

Mayor Carlson asked if anyone had questions. There were no questions. Bubany stated that Resolution 2020-38, the Second Approval of TIF District, will approve this TIF district and a separate motion will need to be made to authorize the signing of the developer's agreement prepared by the attorney.

Councilor Rupprecht motioned for approval of Resolution 2020-38, Approving the Establishment of Tax Increment Financing District No. 1-2 Within Municipal Development District No. 1 and Adoption of the Tax Increment Financing Plan Relating Thereto. Seconded by Councilor Boynton. Approved 4-0.

Councilor Rupprecht motioned to authorize the Mayor and the City Administrator to sign the development agreement with Plasticert. Seconded by Mayor Carlson. Approved 4-0.

Mayor Carlson closed the public hearing at 6:08pm.

**5. Agenda- Changes and additions**

City Administrator/Clerk Cheryl Knight requested an addition to the agenda: 12.5 Wages.

Councilor Boynton motioned to adopt the agenda with said change. Seconded by Councilor Robertson. Approved 4-0.

**6. Adopt Consent Agenda**

- A. Regular Council Meeting Minutes- November 25, 2020
- B. Special Council Meeting Minutes- Budget- November 25, 2020
- C. Special Council Meeting Minutes- CIP- November 19, 2020
- D. Accounts Payable

Mayor Carlson stated she found a one-word typo. Administrator Knight stated it was in the meeting minutes dated November 25, 2020: page four, paragraph 17, last sentence: “just let contact with people” should be “just less contact with people”.

Councilor Boynton motioned to adopt the consent agenda with said change. Seconded by Councilor Robertson. Approved 4-0.

**7. Citizens’ Concerns-None.**

**8. Bolton-Menk WWTP Evaluation Letter- Bryan Holtz**

Bryan Holtz stated in the packet is a 21-page document (mostly pictures) that details the results of the walk-thru of the WWTP. The first part is an evaluation of the existing system, going thru each part or process. The improvement needs are listed next and defined as broken down from 0-10 years, and short-lived assets. The short-lived asset reserve budget, things that could break down on an annual basis. Bolton-Menk feels this should be budgeted for in the annual budget. The recommendation is that within the next five years, the City should start planning for a rehabilitation project that addresses the existing facility’s short-term improvement needs (0 to 10 years). The new WWTP discharge permit is up for review by MPCA (Minnesota Pollution Control Agency), and a meeting eighteen months ago was held to start that process. A ten-year schedule of compliance was requested for the chloride limit, (the limit will be reduced in the next permit), but if at the end of five years, a variance would be the better option, a variance could be submitted. MPCA stated that they want a variance request only, so that was recently signed by the City Administrator. There is no way to treat for chlorides at the WWTP, so the City at some point in the future will be required to build a softening water treatment plant. The users will be provided with

soft water, with the hopes that the residents will remove their own personal water softeners, which is where 90% of the chlorides in the water comes from. This will help meet the chloride limit at the WWTP some ten to fifteen years down the road. The debt load is currently 1.38% of the median household income, and 1.40% is grant eligible from the MPCA. As part of these WWTP improvements, the proper thing to do would be to create a facility plan. This plan would be submitted to MPCA in the hopes that the City would become grant eligible for these sewer projects over the next ten years. Holtz advised to consider a facility plan during 2021, which takes 3 to 6 months to put together. Submittal to MPCA would be by first week of March every year. With a submittal in the spring of 2022, the fall of 2022 is when the eligibility could occur for these sewer projects. Table 1 in the evaluation letter is replacement costs, with table 2 being the repairs cost of the items. If items are replaced, typically repairs would not be needed for five years. The increase in potential volume of influent would be accounted for in the facility plan. Holtz stated \$51,000 is the recommended amount to be budgeted for the WWTP repairs. The cost of a facility plan is about \$45,000, potentially not grant eligible. State funding allows for design engineering costs, while federal funding does not. Councilor Rupprecht appreciated and thanked Holtz for working to bring all these things to the City of Lewiston.

**7. Citizen Concerns-** Joe and Marilla Dailey, representing the Daley Family Limited Partnership, commented regarding the extremely high taxes on agriculture acres within the City. They have 103.8 acres, with property taxes ranging from \$115 to \$175 per acre. A person can rent land for close to \$175 per acre in Winona County. The property tax for land in Utica Township is \$35 per acre. Property taxes within a city is higher to pay for city amenities, but the farmland does not use any of those city amenities. Would the council consider a different tax rate for land that is farmed? Administrator Knight stated she knew of a question from the Daley's and reached out to John Conway in the Winona County Assessor's Office regarding the different tax rates but did not realize they wanted to request action on the ag tax rate. Knight will introduce the Daley's to Mr. Conway in order to start a discussion.

**9. Ambulance Department Monthly Report- Matt Essig**

The report was in the packet. There were 20 calls in November, with 45% of those calls during daytime hours. Ambulance director Matt Essig stated the truck committee will be providing a lengthy document to Council and making a recommendation at the December 23<sup>rd</sup> meeting. If there are any questions on the document once received, feel free to reach out to Director Essig.

## **10. Ambulance Service Billing Contract- Expert T Billing- Matt Essig**

Essig stated the contract is up with the billing company. Expert T has done an excellent job for the ambulance service, and the rates are raising \$1, to \$29 per run. Essig recommended approval of the contract.

Mayor Carlson motioned for approval of the Ambulance Service Billing agreement with Optum Holdings, LLC d/b/a Expert T Billing and the City of Lewiston Ambulance. Seconded by Councilor Boynton. Approved 4-0.

## **11. Lewiston Volunteer Fire Relief Association- Bryan Brown**

Bryan Brown, the treasurer for the Lewiston Volunteer Fire Relief Association, appeared to propose an increase to the yearly pension benefit from \$2,000 to \$2,300. It had been \$2,000 for the last two years, and with the audit received, the proposal is to increase the benefit by \$300. There is a projected fund surplus of \$151,133 with the proposed increase. Without the proposed increase, the projected fund surplus will be \$244,871. This would be a bylaw change for the benefit increase.

Mayor Carlson motioned for approval of the increase in pension benefit for the Lewiston Volunteer Fire Relief Association by \$300 from \$2,000 to \$2,300 per year. Seconded by Councilor Boynton. Approved 3-0, with Councilor Dan Robertson abstaining due to personal benefit.

## **12. Police Department Monthly Report- Scott Yeiter**

Police Chief Scott Yeiter stated the monthly report was in the packet. There were no questions.

### **12.5 Wages- City Council**

Public Works Director Curt Benter commented that Erik Fredberg's probationary period ended 12/2/2020. Knight commented that the other probationary employee's (Jana Benter) probationary period will end 12/30/2020. Mayor Carlson commented that there had been discussion on a cost-of-living amount of 1.3%. Knight stated that the budget book is populated with a \$3 per hour raise for the two probationary folks, including the part-time police officers, and a 5% raise for all others. Mayor Carlson expressed her wish for more time to look at this, and that she does not wish to just throw numbers and be lucky enough to pass pay equity. If just throwing numbers continues, she is afraid the City will not be in compliance with pay equity. The \$3 per hour raise for employees coming off probation she did not want to become a precedent, although she does realize the probationary time used to be six months, and now it is twelve. However, she does not feel tripling it is the answer, but she does know that those wages need adjustment. Councilor Boynton wondered if a \$2 an hour probationary raise would work. Councilor Rupprecht wondered about a \$2 an hour starting wage change, with a \$1 increase this year for coming off probation? This

clarifies the difference of what the pay change is for. Mayor Carlson stated that the deputy clerk, the part-time police, and the public works assistant all started at \$16. Knight cautioned that each of the positions carries different job position points, and Mayor Carlson agreed. The ripple effect will also happen that if you move these folks that much, then how much will others need to move?

Mayor Carlson motioned for a raise of \$1.50 per hour for the two employees as they are released from probation. Seconded by Councilor Boynton. Approved 3-1.

The part-time police officers' wages are a total amount of \$34,000 plugged into the budget. Chief Yeiter stated he has a six-year employee only making \$3 more, with a 321 higher job point rating. Mayor Carlson stated that everything cannot all be fixed right now, it needs to be worked on, but wants to at least get things moving. The Personnel Committee needs to figure out a plan to get the City where it needs to be. Knight went into Banyon payroll and looked up each part-time officer's pay. Mayor Carlson wants to continue looking at this and moving in the right direction. Gensmer is at \$18.04, Jones is at \$17.51, Rasmussen is at \$17.00, Coop and DeBoer are both at \$16.00 per hour. Stephens (full-time) is at \$22.00 per hour.

Mayor Carlson motioned to move the starting wage for the part-time police officers to \$17.75 per hour. Seconded by Councilor Robertson. Approved 4-0.

Mayor Carlson motioned that all the part-time officers who are below the pay rate of \$17.75 per hour, will move to the pay rate of \$17.75 per hour. This would include if they were coming off probation. Seconded by Councilor Robertson. Approved 4-0.

Councilor Rupprecht commented that the current situation in the world has changed and has probably affected many in the City. Social Security recipients received notice of a 1.3% cost of living raise to their benefit amount, with a personal overall benefit decrease of 4.6% due to the Medicare premium increase.

Mayor Carlson motioned to make the effective date for the \$17.75 per hour pay for part-time police officers December 12, 2020. Seconded by Councilor Robertson. Approved 4-0.

Councilor Robertson motioned to pay the cost-of-living increase of 1.3% effective 1-1-2021. Seconded by Mayor Carlson. Approved 4-0.

Chief Yeiter stated he would forego his own potential raise if the Council would consider increasing his full-time officer pay by the same \$1.75 the part-time officers pay was increased.

Mayor Carlson motioned to increase the wage for the full-time police officer Matt Stephens by \$1.75 per hour effective 1/1/2021. Seconded by Councilor Rupprecht. Approved 4-0.

Mayor Carlson asked what do we do for our salary folks this year? Councilor Rupprecht stated that the changes incorporated had a net levy amount of 4.50%, and that there are considerations about

the expense at the WWTP. Can any potential pay raises be found among each department's revenue or expense budgets? There are many other considerations to be made. Administrator Knight's concern, stated in other words, is that the department heads and the administrator are being told that depending on how the Council fixes and finalizes the budget, "we'll look and see if there's any money for wages for you". Councilor Rupprecht stated that his point was that it does not make sense to have an across-the-board pay increase at this point-it needs to follow as we learn about the budget in the next meeting. It might require a special meeting to make some approval of something so this budget can be done before the end of the year. Right now, he cannot see how, in good conscience, to work on an across-the-board pay increase until we know where the levy amount is going to go with the pay increases already voted in tonight. Mayor Carlson agreed to save this last portion of wage discussion until later.

### **13. City Administrator's Report- Cheryl Knight**

**13.1 Nuisance Abatement**-This item and item 13.2, below, will be moved to the 12/23/20 Council meeting, to allow Council time to review information.

#### **13.2 Nuisance Abatement**

#### **13.3 Resolution 2020-37 Resolution Designating Annual Polling Place**

Knight stated that Resolution 2020-37 is to designate the City's annual polling place, and a typo should have the date read "as its polling place for 2021" and not 2020.

Mayor Carlson motioned to adopt Resolution 2020-37, a Resolution Designating the Annual Polling Place, with the correction to the year of 2021. Seconded by Councilor Boynton. Approved 4-0.

#### **13.4 Flaherty & Hood 2021 rates- information only**

### **8. COVID-19 Information and Updates-None**

### **9. Additional Council Concerns**

Mayor Carlson had some concerns. She had spoken with the City Attorney, as directed, about whether Council could meet in closed session under attorney/client privilege to ask questions about a current complaint against employees. The short answer is no. The long answer is the only statute that would cover this item would be a preliminary consideration of allegations against an employee. Even then, the meeting would have to be open at the employee's request. Regardless of whether the meeting is open or closed, she feels that there are questions that need to be asked and would suggest either inviting the City Attorney to the next meeting about the matter or ask the attorney to prepare an attorney/client memo possibly outlining advise and/or options. The downside to that would be not being able to ask specific questions. Council members indicated they wanted the City Attorney to attend the next meeting.

The second item is that Mayor Carlson has been presented with additional items related to the current allegations and she does not know how to process or approach them. She is asking for permission to ask the City Attorney what to do. She is further asking for permission to speak to the City Attorney on items related to this matter as they arise, and to ask the attorney to send memos as necessary.

Councilor Robertson motioned to allow Mayor Carlson to speak with the City Attorney as matters arise concerning the current allegations. Seconded by Councilor Boynton. Approved 4-0.

Councilor Robertson also asked if the other three parties got the information they needed? Mayor Carlson stated that is with the City Attorney right now.

Councilor Rupprecht asked if the Mayor will allow both sides of the complaint to be heard through her to the City Attorney? Mayor Carlson replied yes. She wants items to be properly handled. Mayor Carlson requested available dates next week for a special Council meeting once she gets items to the City Attorney. Decision made of a possible Tuesday or Thursday meeting.

Mayor Carlson stated the next meeting (budget) will start at 8:20pm, with a separate ZOOM link for that meeting.

Councilor Robertson motioned to adjourn the City Council meeting. Seconded by Councilor Boynton. Approved 4-0.

The Council Meeting was adjourned at approximately 8:10 pm on December 9, 2020.

Submitted By:  
Cheryl A. Knight  
City Administrator/Clerk