

Lewiston City Council
Council Meeting Minutes
June 10, 2020
Lewiston City Hall – 7:00 P.M.

1. Call to Order

Electronic City Council Meeting called to order by Mayor Beth Carlson at 7:00 pm June 10, 2020.

2. Pledge of Allegiance

3. Roll Call

Present (4): Mayor Beth Carlson, Councilor Larry Rupprecht, Councilor Dan Robertson and Councilor Niles Lavey. Not Present (1) Councilor Carol Boynton.

Others present: City Administrator/Clerk Cheryl Knight, Ambulance Director Matt Essig, Police Chief Scott Yeiter, Public Works Director Curt Benter, Bryan Holtz, Mabelle Frisbie, Nick Ebnet and Charlie Matzke.

4. Agenda- Changes and additions

Councilor Rupprecht requested to add several items to the Agenda: to discuss returning to in-person meetings, to be held before item #7, labeled as 6.1; to open City Hall and the Community Center, added at 11.2 under the City Administrator's report; emerald ash borer assessment plan, added at 10.1; and to describe a Cedar Park Project, requested to be listed outside of additional council concerns, added at 10.2.

Councilor Robertson motioned for approval of the Agenda with said changes. Seconded by Mayor Carlson. Approved 4-0.

5. Adopt Consent Agenda

A. Regular Council Meeting Minutes- May 27, 2020

B. Accounts Payable

C. Accounts Payable 2

Councilor Robertson motioned to adopt the consent agenda as presented. Seconded by Councilor Rupprecht. Approved 4-0.

6. Citizens' Concerns- None

6.1 Resume In-person meetings- Councilman Rupprecht

Councilor Rupprecht stated that on May 20 information was brought to Mayor Carlson and City Administrator Cheryl Knight from the Governor's Office on opening meetings and nothing has happened since then. This information would also apply to opening City Hall and the Community

Center. The Governor's last Friday announcement has changed to a more open structure. In the last few weeks, many city councils have moved to an in-person meeting-maintaining a 6-foot social distance, 10 persons per room-which has now changed to 250 persons or 50% of the room capacity. Rupprecht felt that councilors can learn a lot from each other by body language, and physically seeing and hearing other council members, but he does not know the process to change from an electronic to an in-person meeting. City Administrator Knight stated that a question asked of the Councilors had been 3-1 in favor of continuing electronic meetings for the time being. A COVID-19 Preparedness Plan is required to be prepared, formally adopted by Council, and prominently displayed before opening. The office has been preparing for Council meetings to be part people in the office, and part people appearing electronically (hybrid style). Knight feels the City is very close to opening. Mayor Carlson had commented on getting the hybrid style of meeting ready-which would allow for all people's comfort levels. Knight stated the first meeting in July could possibly be this hybrid style of meeting, but she wanted Council to review and approve the plan first.

7. Resolution 2020-13 Resolution Receiving Feasibility Report and Calling Hearing on improvement- Bryan Holtz

Bryan Holtz apologized for the engineering report being sent out the day of Council. The report discussed removing the existing pavement and putting down new pavement. The costs are a little high, but that is because of contingency amounts and a cautious engineer. Holtz believes the bid amounts should be in the amounts discussed by Council, but that Council will receive actual bids and review them before committing to the project.

Holtz stated the City along with the engineer's office will work to fast track these plans, with a public hearing scheduled on June 24th before the Council meeting. The notice for this hearing is for an electronic public hearing via Zoom. This was determined to be the best course of action in following what City Council is doing and it is acceptable under state statute. At the next meeting, all the plans and specs will be ready to go, Council will hold the public hearing, then will vote on whether to go forward on the project. Holtz mentioned Exhibit B, the assessments list. These types of projects are more affordable, with the average assessment per parcel being \$2,100 as compared to over \$7,000 for the previous street project. The assessment rate is 25% for this project as allowed per City policy. The project will only have to advertise for 10 days due to the cost. Opening bids will be done on Tuesday July 7th, with the City Council vote on Wednesday July 8th.

Councilor Rupprecht moved for approval of Resolution 2020-13 Receiving Feasibility Report and Calling Hearing on Improvement for the 2020 Street Project. Seconded by Councilor Roberton. Approved 4-0.

Councilor Rupprecht said there should not be major surprises on the project because of the engineer's study on the soil borings and dept of the subsurface bed. Mayor Carlson questioned that there was no dollar amount listed on the Resolution for the project, and that the hearing was listed as being held in council chambers instead of electronically. Holtz will update the resolution and send it to City Administrator Knight for signatures.

8. Ambulance Department Monthly Report- Matt Essig

Ambulance Director Matt Essig stated the monthly report was in the packet. There were 19 calls in May, compared to the 8 in April. The online EMR class for the high school was completed. There were 4 of the 17 who passed the exam and were certified. The 2015 Tahoe has been bought from the Police Department and will be getting graphics on it. The Ambulance Board needs to create a Vehicle Use Policy to be approved by City Council, so the vehicle probably will not be in service until the beginning of July. Two new candidates will be interviewed soon for the service. The scheduling is still being completed a week at a time. There was a hold put on the new full-time ambulance position, which will be re-evaluated during the upcoming budget season.

9. Police Department Monthly Report- Scott Yeiter

Police Chief Scott Yeiter stated the monthly report was in the packet. Yeiter is monitoring the issues in the Twin Cities but has not been able to offer mutual aid due to staffing and equipment needs. Yeiter stated the Police Department enjoys great support in the City. City activity is slow at this time, but they will continue to monitor and adjust as necessary. The new Tahoe squad is now on the road, with the older one being sold to the Ambulance Department. Councilor Rupprecht asked about the recent dog found and cat missing. Yeiter stated both animals have been returned to their owners. Councilor Rupprecht stated to not hesitate to bring these feel-good stories to Council also.

10. Charlie Matzke Request- Variance Request

Charlie Matzke stated his paperwork was an acknowledgment form from Winona County. Matzke owns two properties in the southeast part of the City, located in Utica Township, across from Riverside Electronics, that are zoned as General Industrial. The setbacks for this zone are quite large for industry purposes and Winona County has advised him to apply for a variance through the Winona County Board of Adjustment. Matzke proposes to build a new shed this year, and then another shed next year on these properties. These sheds will be used for large storage. Matzke met

with Utica Township this past Monday and they gave their support to the project he is submitting to Winona County. A member of the Board of Adjustment stated it was a good practice to notify the City (of Lewiston) of the proposed project, as the City limits are right across the street. Paperwork submitted included the site plan, along with current pictures of the site. There is a solar array system proposed for this project. Matzke is requesting formal support from the City Council for this project to the Winona County Board of Adjustment. Councilor Rupprecht stated he was in favor of supporting Matzke's project, and had two questions for him. The County Highway Engineer's office would probably want the entrance to be flat and at grade, as they have become sticklers on that issue. There is a catch basin shown below the railroad. Is that correct? Matzke stated that Mr. Dick Fischer told him that it was there. Councilor Rupprecht was in favor of the project, and the written statement should list that this project was a positive move and it gets the recreational vehicles safely away and out of sight. City Administrator Knight asked what variance was Matzke seeking? Matzke stated it was for the setbacks for the property, as they don't lend well to the Industrial zone they are currently in, and it was both proposed sheds, this years' and next, that don't meet the current setback requirement.

Councilor Rupprecht motioned for the City of Lewiston to approve a written statement of supporting the proposal as brought to Council by Charlie Matzke. Seconded by Councilor Robertson. Approved 4-0.

10.1 EAB Assessment Plan- Councilor Rupprecht

Councilor Rupprecht stated that once the City's three dead ash trees are removed from the City Hall lot, dead ash trees on private properties should be removed as soon as possible. The issue will probably be the cost to remove them (if it is a 40-year old mature tree) well in excess of \$2,000 or \$3,000 per tree. Within the Emerald Ash Borer management plan is a section that provides for the City to handle the cost of the removal and assess the homeowner on their property taxes, similar to a street rehab project. This was not budgeted for in the current City budget, and as an assessment, the City would have to wait for the repayment. However, this is a public safety issue in that branches could come down and injure someone. Once the City trees are down, the Council could put some pressure to get these trees out-potentially up to a dozen of these trees are hanging over City streets and sidewalks-at a cost of possibly \$10,000. If it is not in the next budget cycle, we would want to include it in a future budget cycle. Councilor Lavey stated he is personally affected by this, as he has an ash tree on his property near his garage that needs to be removed. Lavey wondered if he would need to abstain from a potential vote on this matter because he has an ash tree on his yard. Mayor Carlson also stated that she would be in the same position. Councilor

Rupprecht stated that the Councilors would be voting on behalf of all the City residents, so there is no conflict, and he hopes the Councilors would please review the emerald ash borer management plan to become familiar with it.

10.2 Cedar Park Project- Councilor Rupprecht

Councilor Rupprecht stated that he was contacted by Nick Ebnet and Diane Rislow if the City could replace the removed ash tree screen on the north edge of Cedar Park. This screen stopped a lot of the noise from Highway 14 and served as a wind break. That line is now totally bare, and can these trees be replaced? The evergreens from the tree farm were only about 2 ½ to 3 feet tall in total, so that was not the answer. Rupprecht met with about ten residents along with Erik Fredberg (from Public Works) last Saturday to discuss what could be done. The idea was to contact Winona Nursery to inquire about the cost for a screen of evergreens. The proposal was returned by Winona Nursery with the cost for the trees, installation, mulching, and fertilization for \$10,000. This was for 150 feet of trees in two rows that within 5 years would create this screen. Public Works Director Curt Benter obtained bids for removal of the ash tree stumps and their underlying root systems for an additional cost of \$1,200, for a total project cost of about \$12,000, instead of the \$25,000 Councilor Rupprecht had estimated. Councilor Rupprecht requested the City assume the leadership role in this project and accept donations and grants for it. A request will also be made to Donna Mack, our EDA coordinator, to search out and apply for applicable grants. Mayor Carlson inquired if MN DOT would be interested in this project, as it might be in their right-of-way? Councilor Rupprecht said that will be another source to investigate. City Administrator Knight stated a new revenue account could easily be created to accept monies for this project.

Councilor Rupprecht motioned for the City of Lewiston to assume the project manager role for this Cedar Park project. Seconded by Mayor Carlson. Approved 4-0.

11. City Administrator's Report- Cheryl Knight

11.1 City Hall Room Rentals-additional ½ or full day charges

City Administrator/Clerk Cheryl Knight requested a discussion on room rentals for City Hall. Neither the rental agreement nor the City Code discusses the additional cost for a second day, or a half day to be added to the original day's fee. Knight's recommendation was to allow extra full days at 50% of the first day's cost. This would be equitable and in line with our current rates. The senior center charge is the same for multiple days; those who rent the community center for a wedding, as a courtesy, are allowed to come in early on Friday to decorate. Discussion followed including costs per day per room, fixed costs, cleaning expense, and multiple day

requests. Mayor Carlson wondered about rental rates in general for these two rooms. Knight will gather meeting room and wedding reception rates around the area and report back to Council.

11.2 Re-opening City Hall

City Administrator Knight stated that as mentioned earlier, there is a Preparedness Plan that needs to be approved by City Council before City Hall can be opened. This plan would need to be prominently posted for the public. There is a second drop box installed on the railing near the front of the building that is working out well, and City business is still being done. This Plan to open up City Hall is the same plan needed to open up Council meetings.

12. COVID-19 Information and Updates

Police Chief Scott Yeiter stated they are continuing to respond to medical calls, taking precautions, and wondering if there will be another spike, and if so, when and how bad will it be? La Crosse County had one of their biggest day for positive tests at 15, with only 83 total positives prior to that. Disinfectant spray needed to spray down the squad's seat (soft surfaces) is in short supply.

13. Additional Council Concerns-

Councilor Lavey read a prepared, personal statement regarding the George Floyd incident. Councilor Rupprecht was contacted by a resident who borders the alleyway between 1st and 2nd streets. Bryan Holtz, City Engineer, was contacted about the alley right-of-way and was it able to be found and could it be marked? Yes, it was identified during the 2018 street project. If Holtz receives approval from the City Council to stake and mark this right-of-way, then the City has the responsibility to determine if plantings and structures are located in violation of rear yard setbacks and would require remediation if those are found to be in violation. The resident was unable to appear via Zoom for this meeting. There have been citizen reports to the Police Department regarding this right-of-way situation which has been going on several years. Police Chief Yeiter stated that shortly after starting with the City, he was made aware of several problems in this area. He advised each neighbor to stay on their own property and to not allow overgrown vegetation to crowd into the alley right-of-way. It could get costly to have to move buildings that the City has allowed for years to be there. This situation continues regardless of what the Police Chief does and there is no agreement to be had. It is a graveled alley, paved on the first 1/3 on Fremont street, with gravel on the west 2/3. Councilor Rupprecht said that if the right-of-way was clearly marked, then Chief Yeiter would know the correct location of the alley and can enforce accordingly. The City then has taken the first step to identify the right-of-way and it could be expensive for plantings and buildings that have been allowed to remain there for

years in violation of the City Zoning setbacks. Public Works Director Curt Benter agreed that the City Engineer should mark the alley right-of-way, so everyone knows where it is.

Councilor Rupprecht motioned to approve Bolton-Menk to mark the right-of-way on both sides of the alley between 1st and 2nd Streets and from Fremont to Benike Streets. Seconded by Councilor Lavey.

Approved 4-0.

Councilor Rupprecht requested an update on the office construction at City Hall. City Administrator Knight stated that the construction has been finished, with the final inspection completed. Digicom was called in to hookup the second phone line at the new desk. There is available seating for the hallway, and the customer counter is ready as well. The final lateral files ordered for the new office furniture will be installed yet this week, and this project will then be complete.

Councilor Rupprecht asked for a water/sewer delinquency update. Knight stated that at the prior Council meeting, the past due notices as listed in the City Ordinance needed to be sent out and were sent out on that Friday. Following that action, there were 11 potential disconnect doorhangers placed on properties, and all but two paid in full before the deadline of June 8th. There were two disconnects done, which were paid yesterday and today, and water was restored to both those residences today.

Councilor Rupprecht stated that his HBC channel 11 has been black since April 8th. Channel 11 is the local government access channel. Public Works Director Curt Benter stated his channel was black also. This is a concern for those citizens who cannot access electronic meetings.

Councilor Rupprecht's last item for the night was that 65 trees have come to the city within the last week and 52 of them were planted by the two guys in Public Works. A screen of evergreens (17) was circular planted to mask the new lift station on 1st Street.

A personal and Council Thank You!! to Curt Benter and Erik Fredberg of the Public Works Department for getting all those trees planted during hot, steamy weather with short notice.

Councilor Robertson motioned to adjourn the City Council meeting. Seconded by Mayor Carlson.

Approved 4-0.

The Council Meeting was adjourned at approximately 8:44 pm on June 10, 2020.

Submitted By:
Cheryl A. Knight
City Administrator/Clerk