

Lewiston City Council
Special Council Meeting Minutes
November 2, 2020
Lewiston City Hall – 6:00 P.M.

1. Call to Order

Electronic City Council Meeting called to order by Mayor Beth Carlson at 6:01 pm November 2, 2020.

2. 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, Police Chief Scott Yeiter, Fire Chief Tim Dahl, Nick Ebnet, Peyton Kessler, Dennis Yeiter, Jeff Peterson and 2 unidentified iPhones.

3. Discuss Corrective Action from City Complaints/Concerns

Mayor Carlson stated that there were three sections, and that Council could add comments after she had read each segment.

1. Meeting Posting Requirements: The first concern/complaint stated that the Posting for the September 21, 2020 EDA meeting did not meet the requirements set forth in state statute. Specifically, the place of the meeting was changed (it was held via Zoom) and there was not a notice of a Special Meeting posted.

The council concluded that this situation is directly related to changes made necessary by the COVID-19 Pandemic Emergency. With all the changes, there is a learning curve. To the best of our knowledge, there is no precedence for meeting postings during a pandemic that are being held via electronic means. Moving forward, information on how to access meetings needs to be easily accessible to the public. Different means of conveying this information have been discussed with Administrator Knight. Knight will be researching options to make this accessibility easy for residents and efficient for staff. The city website and Facebook are both viable options. Councilor Boynton stated she felt this was clearly stated. Mayor Carlson stated she has seen recent meeting notices with the links listed, and that she talked with Administrator Knight about potentially using the website and the city calendar, as they are easy for the public. Councilor Rupprecht stated that former Councilor Lavey suggested that all people be noticed of all meetings. Rupprecht felt there was a limitation to what resources the City has to notify everyone of everything going on. It falls on each individual resident, each individual citizen, each individual

person to find out these things. Postings of these meetings are made at three locations. All meetings are also listed at City Hall and noted on the electronic billboard. For the City to be required to go further than that might require postage and/or a calling bank to notify every single person within the City jurisdiction, and now we are getting into, what he would consider, is a ridiculous requirement. Council had a good discussion with former Councilor Lavey, and was laid to rest, as we follow what the statutes require and if people are interested, they have the right to call City Hall to find out more.

2. Failure to provide documents to the public that were sent to all members of the City Council for discussion at an open meeting of the Council: The second concern/complaint involved a budget work paper that was shared with council but not immediately shared with the public or city staff. The specific document was a city produced budget working paper with wage information from the non-public wage study report Flaherty & Hood has been working on.

Before the conclusion of the meetings concerning the complaints, Administrator/Clerk Knight contacted the city attorney and learned the working paper document in question should be shared. Knight then shared the document with city staff.

Moving forward, the council concluded that reaching out to resources like LMC and entities such as the attorney, financial advisor, and engineers, to name a few, needs to happen when questions in legality are brought to the attention of the city. Sometimes we learn our preconceived thoughts need to change. Sometimes we learn that the laws have changed. Keeping up with those changes is extremely important.

Councilor Rupprecht stated, in his opinion, the discussion led to a conclusion that once the question was raised by the complaint, the City Administrator did connect with the City Attorney who clarified that her opinion was incorrect, and that the person requesting the information had a right to that because it had been moved to a public document. The City Administrator did then provide the information to the person making the request, and to all other city employees. (Mayor Carlson had stated this, just in other words.) Rupprecht's primary point was that it occurred within a matter of a few hours, not a few weeks, and Council looked at the inclusion of that as an incident of misconduct as not being a valid conclusion in that list of misconducts. Mayor Carlson stated Council talked about, making sure that when we are uncertain, that we reach out and ask questions-and we do want that to happen moving forward.

3. Improper Notice for a Public Hearing: The final concern/complaint was that the notice for the Public Hearing regarding Establishment of a Tax Increment Financing District No. 1-2 was

incorrect. The notice listed Lewiston City Hall as the place for the public hearing. The Public Hearing was conducted via zoom.

The council learned this notice was placed in the paper by our financial advisor. Knight contacted the financial advisor, and it has been concluded, to be safe, this Public Hearing will be held again. The process has already started to reschedule this hearing.

Moving forward, the council would like entities such as our financial advisor and engineers to share information for publication with the administration first, before publishing, so corrections can be made before publication.

Councilor Rupprecht added that the city's financial firm did declare they were the cause of the mistake. They offered and took care of the expense to re-publish the hearing notice, the City received an apology for the oversight, and a thank you to Council for them not noticing it themselves.

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

The Council Meeting was adjourned at approximately 6:15 pm on November 2, 2020.

Submitted By:
Cheryl A. Knight
City Administrator/Clerk