

The Pledge was presented and Earl Parris gave the invocation.

The City Council of the City of Lexington, Missouri met in Regular Session in the Council Chambers at the City Hall on Tuesday, April 23, 2019 at 7:00 p.m. with Mayor presiding.

The Mayor called the meeting to order and roll being called, the following members of the council answered as follows: Present: Donna Sims, Steve Terry, Rodney Wolken, Frank Ashinurst, Earl Parris, Jim Pohle and Scott Lynn. Absent: Carolyn Houseworth. Also Present: Carla Ghisalberty, City Clerk and Jeremy Cover, City Attorney. Whereupon the Mayor declared a quorum present.

The Mayor added 15a Resignation of Shelia Lee & Jerome Conley from PPB, added 15b Appointment of Evelyn Trigg & Jill Calvert to PPB and 15c Resignation of Jamie Powell from Water Advisory Committee to Consent Agenda Items. Motion by Parris seconded by Sims to approve the agenda as amended. Motion carried.

Citizen's Participation:

Vernon Doak, 78 Ussery- Doak moved to Lexington in 1977, he retired to the Ozarks from 2010-2016. When he moved back in 2016 his water bill was averaging 2,000-3,000 gallons per month. Last March he received a bill for 14,100 gallons. There were no obvious leaks, there was a slight stool leak-both were replaced. Doak spoke with Joe Aull. Joe Clifford came out many times and checked it out and replaced the meter. It is now back to 4,000 gallons. Joe Aull negotiated with Pat Doak to have a lesser payment and they have not had a high bill since.

Matthew Shepard, 1614 Franklin- Shepard has had no issues since moving here with the except of the water bill. The was a big leak on Franklin. He is a water conservationist using only about 700 gallon per month. In December/January 2018 the City claimed that he used 38,500 gallons. The meter was checked, it was a 1950 Neptune and was replaced. Joe Aull negotiated the bill and he did not see anything wrong helping.

Leta Grom, 344 S. Busn. Hwy 13- May 2nd is National Day of Prayer at the Courthouse at 8:30 am. The speaker is Tonia Richards from Healthcare Collaborative. This is a nationwide event. The theme is "Love Your Neighbors".

LexiHill, 1078 N. Outer Road- Jay stated that Joe Aull did not forgive \$5900 but he did help with \$20-\$30 for late charges for being late 1 day. Everybody in the city did help him but Joe helped him mostly. The Mayor stated that it was never said that he forgave \$5900 it was \$1025 – that was a newspaper error.

Chris Fristche, 480 John Shea- Kites Over Lafayette County on April 27th at the Battlefield from 1pm – 3pm and also at the State Park in Higginville.

Chief Brad Weber- Reminder that Farrel Clevenger's retirement is May 4th at 6 pm at VFW.

New Employee Introduction: none.

Consent Agenda Items:

Motion by Parris seconded by Sims to approve the consent agenda item as amended. Motion carried.

1. Approve minutes of Regular Meeting of April 9, 2019.
2. Approve the resignation of Daniel Wells as a Police Officer effective 4/26/19.
3. Approve the retirement of Farrel Clevenger as a FF/EMT effective 5/20/19
4. Approve the resignation of Leta Grom from P&Z effective immediately.
5. Approve the resignation of Whitney Wiedner from Tourism effective immediately.
6. Approve the resignation of Jim Sokolik from the Utilities Board effective immediately.
7. Approve the removal of Kim Dodson from the Park Board effective immediately.
8. Approve the appointment of Cary Beal to P&Z Commission as a citizen member with a term to expire 3/31/2021.
9. Approve the appointment of Bill Miller to the Utilities Board, moving him as a council member to a citizen member with a term to expire 11/1/20.
10. Approve the appointment of Ryan Graff to the Park Board with a term to expire 5/31/22.
11. Approve the re-hire of Trey Pelham as a full-time Police Officer.
12. Approve the resignation of Shelia Lee & Jerome Conley from the Police Personnel Board.

13. Approve the appointment of Evelyn Trigg & Jill Calvert to the Police Personnel Board with terms to expire 6/22/21.
14. Approve the resignation of Jamie Powell from the Water Advisory Committee.

Financial Items:

1. Approve the City Treasurer's Report 6-month Report ending March 31, 2019. There were no questions. More extensive report is available upon request. Motion by Sims seconded by Ashinhurst to approve the financial report as presented. Motion carried.

Discussion Items:

Citizens Water Advisory Committee: Brad Worthington gave a summary prior activities. The purpose of the committee is to provide input to the council, provide input to solicit back and from the community, and council makes final decisions. The Board has approved the engineer and made a recommendation in regards to American Water. Jim Ross met with the committee for an update on the current project. Ashinhurst asked about the water line from Independence to Wellington. Jim Ross stated that this was looked at along with others but due to the size of the line, the water volume, having to go back to the original source, obtaining easements and installing pump stations the cost was more than the cost to build a new plant. The city would have to go back to Independence and run a totally new line. The weather has put the process behind with the wells. We are waiting on a funding package from USDA. Based on the well tests, Ross is confident that we can get the water needed and the quality is a little different but it is still feasible for reverse osmosis or a lime dropping system. After the test well report is given to council and the determination of where the wells will go, council may want to direct the Water Advisory Committee to hold a town hall meeting. Table this until the next council meeting.

Chapter 6-Building Regulations: This ordinance repeals the entire Chapter 6 and enacts a new Chapter 6. This has been approved by P&Z and Lauber. Ashinhurst asked if the downtown commercial buildings have been inspected regarding the sidewalls and backs along the alley's to make sure they are holding up. BI Petray stated that all have not been checked. Ashinhurst stated that a woman about moved out of town due to the building condition and there is an issue with the old peddler building wall. BI Petray stated that both have been inspected – the quilt shop is ok and the bank has been notified on the peddler building. Sims presented Ordinance No. 2019-15 AN ORDINANCE TO REPEAL EXISTING CHAPTER 6 – “BUILDINGS AND BUILDING REGULATIONS” OF “THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON, MISSOURI” AND REPLACING EXISTING CHAPTER 6 WITH NEW “CHAPTER 6-BUILDINGS AND BUILDING REGULATIONS”. Motion by Parris seconded by Lynn to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris seconded by Lynn to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Parris seconded by Lynn to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Ashinhurst, Parris, Pohle and Lynn. Nay: none. Absent: Houseworth. Whereupon the Mayor declared the ordinance duly passed.

Sewer & Water Rates: Jim Ross, Bartlett & West stated that to meet the 2% of MHI the water rates would have to be increased by \$10.64 for 5,000 gallons. Jim Ross is recommending raising the rate by \$5.32 this year and the remaining \$5.32 next year or before the funding approval. Terry asked who set the 2% MHI requirement – this is set by the federal government. Jim Ross stated that according to the 2010 census the MHI was \$45,000 so the City used an outside source to do an income survey, the income survey came in at \$40,000. The Mayor asked if the rate could be reduced. Ross stated that it can be held level. Motion by Lynn seconded by Sim to approve the rate increase of \$5.32 per 5,000 gallons. Motion carried. DNR did an inspection at the sewer plant, there are some updates to the plant and lift stations that need to be done and those improvements are figured in the sewer rate increase. DNR is requiring additional testing, I&I issues, reduce BOD levels and other items. Jim Ross is recommending a base rate of \$19.00, an increase of \$5.54, which would generate approximately \$120,000 in revenue. Also increase the commodity charge to cover the difference. The base rate is similar to the meter charge and commodity charge is based on usage. The city is not currently looking for grants at this time. Motion by Parris seconded by Sims to table the sewer rate increase for future discussions. Motion carried.

Zoning Change-Jack Reynolds: This ordinance changes the zoning from C-2 to R-1 for property located at 2224 Main Street. P&Z have approved the change. Sims presented Ordinance No. 2019-16 AN ORDINANCE TO AMEND THE AUTHORIZED LAND USE FOR A SPECIFIC PROPERTY IN THE CITY OF LEXINGTON, MISSOURI, IN ACCORDANCE WITH THE PROVISIONS OF ZONING CHAPTER 29. Motion by Lynn seconded by Parris to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris seconded by Lynn to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Parris seconded by Lynn to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Lynn, Pohle, Parris, Ashinhurst, Wolken, Terry and Sims. Nay: none. Absent: Houseworth. Whereupon the Mayor declared the ordinance duly passed.

Liquor License-Tom White (Moose Lodge): Tom White is requesting a liquor license on June 8 & 9, 2019 for the Moosapolooza event from 10:00 am to 1:30 am in front of the Moose Lodge at 2510 Main (224 Hwy). Motion by Parris seconded by Lynn to approve the liquor license as presented. Motion carried. 6-1 Ashinhurst. Absent: Houseworth.

No Parking – Forest Lane: This ordinance does not allow for vehicles to be parked in the inter loop – side abutting lots 8,9,10,13,14,15,16 and west side of lot 12. Wolken asked who requested the no parking. Bill Flanigan stated that the residents requested it and to make sure emergency vehicles have access. The neighbors were not notified of the action in advance. This has been viewed by Chief Grom. Russell Fox stated that he lives on Forest Lane and he has requested children at play signs, reduced speed and property maintenance but does not see an issue with parking. The storm runoff drains from 7 different areas all drain to this area and if they are required to park on the other side it would be in storm drain runoff areas. Jackie Bear stated that weekends and nights are bad, they park the wrong way and park on the bank in the area of Forest Avenue & Country Club Terrace. The duplex seems to be the biggest issue, they can park in the rear of the duplex but they park in front. Chief Weber stated that in the middle of the day the parking is not bad but will re-check on the emergency accessibility issue. It was determined that the area of Forest Lane is not the problem but Forest Avenue & Country Club Terrace is the issue. Sims presented Ordinance No. 2019- AN ORDINANCE ADDING TO CHAPTER 15 “MOTOR VEHICLES AND TRAFFIC”, “SCHEDULE V. NO PARKING” OF THE MUNICIPAL CODE OF LEXINGTON, MISSOURI. Motion by Parris seconded by Lynn to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris seconded by Lynn to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Parris seconded by Sims to approve ordinance. Motion failed due to error in the ordinance. Motion by Sims seconded by Parris to send this back to P&Z for the location correction.

Recreational Trails Grant: Mo. State Parks submitted an award letter and will have a pre-award site inspection on June 4th at 4pm. Clifford stated that the section to be open is from 20th to 24th with the remaining sections to be marked as “trail closed”. With the signs up the Police can be notified and issue summons. Terry asked why barriers were not going up to stop vehicles. Clifford stated that they were waiting on grant money. Terry asked when the trash was to be cleaned up. Clifford stated that a volunteer cleanup day will be set, the wood chipper will be set up. Terry asked about the shingles, the shed or other items. The grant is for \$364,000, the City share is \$120,000 with the \$50,000 for the purchase of the UP being counted towards the city share among other items already purchased – the basic cost for the city is to come up with is the engineering \$36,000. The grant will include the restrooms at Crystal Lake and the Park Board has agreed to put \$10,000 towards the restrooms. Terry asked who will be responsible for the maintenance. This has not been determined. Ashinhurst stated that there is a lot of trash and vehicles on the trail – sidewalks are more important. Clifford to make sure council gets a notice of their next meeting.

Water Union Agreement: The union agreement is for 3 years with the changes only being those that have been legislative law changes. This has been approved by Lauber. Sims presented Ordinance No. 2019-17 AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AND EXECUTE AN AGREEMENT BETWEEN UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO-CLC, on behalf of its Local Union No. 13558 AND THE CITY OF LEXINGTON, MISSOURI. Motion by Parris seconded by Lynn to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris seconded by Lynn to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Parris seconded by Lynn to place the ordinance on it’s final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Ashinhurst, Parris, Pohle and Lynn. Nay: none. Absent: Houseworth. Whereupon the Mayor declared the ordinance duly passed.

Community Committees: Lynn had concerns with all the committee resignations and appointments that are made before council knows. Since there is a council liaison for each committee we need to let them know of the terms and appointments that are needed. The committee should make recommendations and give those to the liaison or the Mayor. The Mayor stated that once the new website is up a list of the committees and terms will be posted as well as a spot for those individuals to let us know if they are interested in serving. Put a committee list in council packets.

Water Bill Forgiveness Issue: Sims asked Peggy to give her all the bills that had write-offs. Sims took the total list of water forgiveness from January 2018 to January 2019 and added it \$34,910.08. There were some that had computer glitches for penalty charges or human errors and other reasons. Sims then took the ones that said “Joe Aull” which totaled \$10,950.64 and Pohle also verified. Sims then subtracted out the ones that were water department issues \$8583.07 leaving \$2367.57 that were forgiven by Joe. The water revenue budget was \$1,127,000 and if you take the percentage of write-off’s from Joe it is less than .3% and overall less than 3% of which half were human error. The Mayor went back and recalculated the amount forgiven \$18,513.18, Sims is throwing out some that he didn’t. The ones on the Mayor’s list did not include computer glitches but everything that was forgiven with his opinion of what could have happen if it went before the Utility Board. The Mayor did not say that Joe Aull was directly responsible for all of the write-offs but referring to city ordinance the Administrator shall coordinate and supervise the operations and administration and management government business and

employees of the city. The issue is not whether it was our issue or theirs it had to go before the Utility Board. There were several that were service line leaks but on the property owners side. Aull stated that he felt like his character was attacked and he wants to make sure his reputation is not trashed. He helped out the residents and made sure we were not over charging. The utility board was not active at the time and not active until this year. There were some that were high for no reason. When an issue came up he would discuss it with Peggy and Joe Clifford. He tried to build goodwill, trust with the citizens and provide customer service. There were old meters and old water mains that have leaks. Aull did not try to violate the law but tried to help LexiHill which now has 30 rooms and is state of the art – he did write-off \$1000. Supposedly Joe was told on November 13th to stop, at the December 11th meeting the appointments to the board were made and at the January 8th meeting that was the first time he was told to stop. Pohle stated that at the last election it shows people supported him. Sims does not think that all of the \$19,944 should be given to water and it should be given back to General. Terry stated that when the city negotiated with the Hospital Board, the city owed the Hospital Board \$500,000 and didn't have to repay that, so he foregave the \$4000-\$5000 of write-offs versus saving the city \$500,000. The Mayor also attended those meetings. Motion by Sims that \$17,506.82. Attorney Cover stated that we need to check with our auditors and typically an enterprise account cannot go to the general. It was suggested that we sit down with the auditor and have them go through the write-off's to determine the amount owed to water. Ashinhurst asked if Joe Aull was doing payment plans. Joe did do payment plans and council did want him to do that. The auditor will be here the first week of June. Sims is concerned about the money that should go back to the general fund. Cover to check with the auditor, if the money can be moved back to general then have the auditor review the numbers.

FY20 Budget Adjustments: At the Budget Committee meeting on April 17th the committee appointed Parris as the chairman. The budget adjustments were approved by the committee. The Clerk stated that the adjustment from public health \$18,250 to general is to cover the salary increase for the EMT's and the adjustment from general \$19,944.39 to water is to cover the forgiveness back end transfer. Motion by Lynn seconded by Parris to approve the budget adjustments as presented. Motion carried.

Reports:

Administration: Met April 23, 2019 and discussed: 1) **Chairman Election-** The committee approved the appointment of Parris. 2) **Sludge Truck-** The truck is a 1983 model, parts are hard to get or we cannot get them and it at times does not start. Clifford has found a 2010 International to go look at and the committee agreed to no more than \$75,000. Clifford to go check out the truck and see if there are any grants available. Motion by Parris seconded by Sims to approve checking out the truck, checking on grants and an expenditure of no more than \$75,000. Motion carried. 3) **E-Coli Testing-** DNR now requires e-coli samples once weekly for the sewer department. For 31 weeks the cost for us to take the sample to the city is \$3425.50. The cost of the equipment if we buy it is \$6,713.58 which would pay for itself in 2 years. Motion by Parris seconded by Sims to approve the purchase of the e-coli testing equipment from IDEXX for \$6713.58. Motion carried. 4) **Police Reserve Wage-** Chief Grom requested a pay increase for the reserves. There are 2 classifications: Officer 1 at \$16.50 ph which has the ability to function as an officer for the city plus fill in for vacations, sick leave or to fill vacant shifts and Officer II at \$12.00 which will serve as security and community detail. Using the reserves will save on overtime costs and if the pay increases for full-time then the reserve would also increase. Motion by Parris seconded by Sims to approve the 2 classifications for reserve officers and approve the pay for each classification. Motion carried. Next meeting on May 28, 2019 at 6:00 p.m.

Municipal Services: Next meeting on May 14, 2019 at 6:00 p.m.

Liaison Committee Reports: none.

Department Heads:

Street- Supervisor Smith informed the council that they are getting ready for the spring cleanup, fixing potholes and invited anyone to come out to the department. Must show proof of residency for the cleanup. Ashinhurst asked if the potholes were sprayed/cleaned out before fixing. Smith stated that most are clean but if not they are blown out. The yard waste will be curbside on your normal trash pickup day, they must be in biodegradable bags from May 7-9.

Building Inspector- Petray stated that under the city-wide cleanup the tires and waste oil can go to Jobe's. The curbside yard waste has to be in bio-degradable bags and the limbs have to be cut in 4' lengths, cannot be more than 5" in diameter and bundled in twine no more than 2' in diameter. Thanked council for adopting the new Chapter 6, the fines will be steeper, the payment structure has changed and better customer service. Terry asked about the condemned properties and why they are still standing. There are funds budgeted for 2 homes to be demolished. The city pays the initial cost and then a lien can be filed against the property for the cost of demolition. Cover stated that after 3 years if the property taxes are not paid, the county can sell the property but the city cannot foreclose. The lien cost can sit on the property for years.

Water/WWTP- Supervisor Clifford thanked council for the e-coli equipment and the money for the sludge truck. The old truck will be sold. There are 15 lift stations and 150 step systems to be maintained. All 2,000 residential meters have been installed. Invited anyone to come tour either plant.

Police- Chief Grom informed council that the cat house has been repo'd – may look at a catch, spade/neuter and release program. The animal pound is 40 plus years old – need to seriously start discussions about relocation. The pound has passed the last state inspection. The animals had to be evacuated due to the flood. On May 10th Channel 4 will be at the Courthouse from 7 – 10 am as part of their Zip Trip program. They will highlight and showcase the city. Ashinhurst asked about the motorcycle event and security. The Moose Lodge has talked with the police and the Sheriff's department. The laptop computers for the cars and the hardware mount are going in.

Fire- Chief Weber reminded the council of Farrel Clevenger's retirement party on May 4th at the VFW at 6 pm. The call volume could be 1800 calls for the ambulance vs 1600 last year – this will affect the budget in multiple locations (collection fees, wages, benefits, work comp insurance).

Committee/Board Reports: none.

Grants: none.

Items from Prior Council Meeting: none.

Council Concerns/Comments:

Parris- Stated that the bricks on the building at the park area located at 12th & Main are falling on the 12th Street side. HPC supposedly stated that this is the oldest building in town.

City Attorney: none.

Mayor's Comments: none.

Motion by Parris seconded by Sims to adjourn Regular Session and reconvene in Executive Session and notice is given that a portion will be closed pursuant to Section 610.021 RSMo under the following specific exceptions: Sub-section (1) Litigation and Sub-section (3) Personnel. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Ashinhurst, Parris, Pohle and Lynn. Nay: none. Absent: Houseworth.

Personnel:

Building Inspector- Motion by Lynn seconded by Sims to approve an additional 6 months for Justin Petray to obtain his third certification. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Ashinhurst, Parris, Pohle and Lynn. Nay: none. Absent: Houseworth.

Motion by Houseworth seconded by Sims to adjourn. Motion carried. Council adjourned at 10:15 p.m.

Carla Ghisalberti
City Clerk
04/23/19

Fred L. Wiedner
Mayor

Upcoming Events

- Council Meeting Dates- May 14, 2019 and May 28, 2019 at 7 pm
- Annual Spring Luncheon- April 24, 2019 at Episcopal Church from 11 am to 1 pm
- Blue Jean Bash- April 25, 2019 at Arcadian Moon at 5:30 pm
- City-Wide Cleanup- April 27 – May 4, 2019 for Household & Bulky Waste
- Kites Over Lafayette County- April 27, 2019 at State Park from 1 pm – 3 pm
- River City Square Dancing- April 28, 2019 at Methodist Church from 6 pm – 8:30 pm
- City-wide Cleanup- May 7-9, 2019 for curbside yard waste.
- Kick Off of Summer- May 10, 2019 at The LEX from 7-9 pm.

- Warrior Dash- May 11, 2019 at Big River.
- Buzz About Bees & Butterflies- May 18, 2019 at The LEX from 1-3 pm.
- MML Central Division Meeting- May 22, 2019 in Centralia at 6 pm.
- USAF Airlifter Brass Concert- May 24, 2019 at The LEX from 6-7 pm.
- MML Newly Elected Official Training- June 6-7, 2019 in Columbia
- Wind Symphony- June 9, 2019 at the Methodist Church at 3 pm.
- Art in the Gardens- June 15, 2019 at The LEX from 5-8:30 pm.
- Budget Committee- July 17, 2019 at 8:30 am.
- Porches & Peaches- July 20, 2019 at The LEX from 10 am – 2 pm.
- Battle of the Bands- July 26, 2019 at 7 pm & July 27, 2019 at 9:30 pm
- Community Fair- August 10-17, 2019.
- MML Annual Conference- September 8-11, 2019 in St. Charles
- Freedom Walk- September 11, 2019 from 12-1 pm.
- Civil War Living History- September 14, 2019
- Old Homes Tour- September 28-29, 2019 from 1-4 pm.
- Wild West Octoberfest- October 5, 2019.