

The Pledge was presented and Carolyn Houseworth 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, June 11, 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, Carolyn Houseworth, Frank Ashinhurst, Earl Parris, Jim Pohle and Scott Lynn. Absent: Steve Terry and Rodney Wolken. Also Present: Carla Ghisalberty, City Clerk and City Attorney, Jeremy Cover. Whereupon the Mayor declared a quorum present.

The Mayor added Dustin Turner resignation to Consent Items, added Stryker contract and The LEX to Discussion Items. Motion by Sims seconded by Parris to approve the agenda as amended. Motion carried.

Citizen's Participation: none

New Employee Introduction: none

Consent Agenda Items:

Motion by Parris seconded by Houseworth to approve the consent agenda item as presented. Motion carried.

1. Approve minutes of Special Meeting of May 23, 2019 and May 28, 2019.
2. Approve the resignation of Dustin Turner, Paramedic effective immediately.

Financial Items:

1. Approve Financial Reports for May 2019: City Collector's Report - \$572,997.29, City Treasurer's Report - \$5,331,175.41 and Municipal Court Report \$2645.25. More extensive reports are available upon request.

2. Approve the payment of the bills:

General Fund	May 15-31, 2019	\$ 74,516.55	Council approval required for \$78,768.08 for checks written on 6/11/19.
	June 1-11, 2019	<u>\$157,036.78</u>	
		\$356,982.66	
Sewer Fund	May 15-31, 2019	\$195,174.98	Council approval required for \$15,115.74 for checks written on 6/11/19.
	June 1-11, 2019	<u>\$ 23,995.35</u>	
		\$219,170.33	
Water Fund	May 15-31, 2019	\$ 9,308.25	Council approval required for \$29,082.99 for checks written on 6/11/19
	June 1-11, 2019	<u>\$ 43,960.79</u>	
		\$ 53,269.04	

Motion by Parris seconded by Houseworth to approve the financial items as presented. Motion carried.

Discussion Items:

Health & Wellness: Tom Emerson informed the council that the committee received a proposal from Caleb Neer/Lexington Parks & Recreation for a GaGa Ball Pit. Neer is making the proposal as part of his Eagle project. The Park Board has donated the materials for the wooden enclosure and the Boy Scouts built the pit. The request is for the purchase of rubber mats for the floor of the pit. After the project completion the Park Board and Scouts will maintain. Neer obtained prices from several businesses and agreed to the purchase from Nerd's. They were explained the process of having the hospital logo on the outside of the pit. The requested amount is \$1039.79. Motion by Lynn seconded by Sims to approve the proposal from Caleb Neer/Lexington Parks & Recreations for the GaGa Ball Pit for \$1039.79. Motion carried.

LRHC Emergency Transfers: The council approved in March to extend the contract for 90 days. The Mayor received a request from Darrel Box, CEO to extend the current transport agreement through July 15, 2019 to allow them more time to continue working on the agreement. Motion by Sims seconded by Parris to approve the extension of the existing contract to July 15, 2019. Motion carried.

Stryker Contract: At the last council meeting council approved the signing of the contract pending approval of the contract changes. Stryker contacted Chief Weber and has stated that they will not amend the contract. The options are to leave the contract as it was presented originally or to not sign the contract and pay the bill for the work performed. Some of the changes include: indemnification which the city cannot indemnify a 3rd party, mitigating a lawsuit shows Michigan instead of Missouri, making sure the City has a right to also amend the contract and the confidentiality which is not allowed due to the Sunshine Law. Chief Weber stated that they have not billed the city yet but have agreed to honor the contract if signed. The contract would cover the equipment for 1 year and they can come back anytime but, if we do not sign, then the bill is paid at a higher cost than the contract amount and we are done. Attorney Cover stated that they make recommendations to protect the City, however the City can choose to do what they want. Chief Weber is recommending signing due to the fact that the cost may be higher on the bill versus the cost of the contract and they will have service for 365 days. Also the City will have to purchase batteries for the power cot systems at about \$100 each whereas the contract would include those at no cost. The value of the power cot systems is \$100,000 and they have not been serviced for 5 years. Motion by Lynn seconded by Sims to approve the contract as originally presented by Stryker without any changes. Motion carried.

Water Advisory Committee: The committee has set a tentative Town Hall meeting for July 10th at 7:00 pm at The LEX. The committee is meeting tomorrow to put together the agenda and to approve the communication to go out to the community – Jim Ross, B&W to attend. The LEX is charging \$100 for use of the building. The committee is asking for a liaison and would like Ashinhurst due to his background in construction – Ashinhurst agreed. The committee is down 3 members with the resignation of Rebecca Browning. The committee is lacking members from the 4th Ward. The Mayor to get input from the 4th Ward council members. The committee is meeting on June 12th at 6:30 pm in council chambers – open to public. Ed Stryker volunteered.

Lakeview Area Streets: The chip/seal project from last year is in bad condition. Gary Lyons with Vance Bros has agreed to correct any problems and the work should be done in August. Vance Bros to meet next week with the Mayor, Street Supervisors and Corey Miller. The streets involved in the project were: Lakeview, Davis Addition, Francis and the test strip on Sunset.

Water Plant Levels: The Mayor stated that currently the river level is at 25.69 feet. Supervisor Clifford stated that the water level got up to 29.96 feet with the maximum level being a little above 30 feet – this is 3.5 feet higher than the flood of 1993. Supervisor Clifford said the plant and water supply was saved due to the around the clock coverage, the help from other departments and the volunteers with sandbagging. The Mayor stated that the Corp of Engineers said the bags should remain up through September.

Farmer's Market: The LEX is requesting approval to block off the parking spaces in front of the auditorium and on the north side of Franklin from 11th to the end of the auditorium during the Porches & Peaches event on July 20th. If more parking spaces would be needed they would block off the south side of Franklin from 11th to about half way down the block. Motion by Sims seconded by Parris to approve blocking off the parking spaces as requested on July 20th. Motion carried.

Mo. Ethics Commission: The Mo. Ethics Commission has determined that based on the facts presented, the Commission found no reasonable grounds exist to support a violation regarding the ballot issue. The Commission found no evidence to support the allegation that Joe Aull used city resources to “advocate, support or oppose” the ballot measure. The Mayor read a statement. On March 15th the Mayor and council based on advice from the City Attorney agreed to self-report. The Mayor and council were trying to protect the city from repercussions that could be possible. The Mayor apologized to Joe Aull for any undue grief that was caused by the investigation. The perceived ethics violation was not the reason Joe Aull was terminated from the position of City Administrator. Pohle stated that multiple attorneys looked at this and got it wrong. Attorney Cover stated that the issue was looked at by several attorneys within the firm and the city was counseled on possible liability – the firm did not get it wrong. The concern was that if it came out later the city could have repercussions, bonds issues or other issues. The violation of the statute states that city's won't use money from the city in order to advocate ballot issues. You can educate and inform but not advocate. The issue was that Joe Aull was paid as a salaried employee, however elected officials are exempt.

Reports:

Administration: Next meeting on June 25, 2019 at 6:00 p.m.

Municipal Services: Met on June 11, 2019 and discussed: 1) **Street Backhoe-** Supervisor Smith informed the committee that their backhoe was 16 years old and it would cost several thousand dollars to repair. There is budgeted \$60,000 with the cost being divided equally between Street, Water and Sewer. The committee approved buying the backhoe but would like to see a 3 year lease purchase program. The remaining balance of approximately \$33,000 would be split between the 3 departments. Supervisor Smith to sell all the old equipment and vehicles, then see what funds are available to look at for a used truck. Supervisor Smith to bring back lease options at the next council meeting. The cost of the backhoe is \$94,416.98

– this is the number one piece of equipment used. 2) **Old Police Cars-** A citizen asked what was to be done with the old cars. Chief Grom stated that 2 of the old cars will be parted out and the individual has not picked them up yet. Use the parts on the 2 remaining cars. 3) **Vonda Love-** About 3 weeks ago her STEP System collapsed. Supervisor Clifford tried to obtain 3 bids, only 2 replied – Rick Thomas will replace it on Friday. The repair was considered an emergency by the Mayor. According to the ordinances a full explanation of the circumstances of an emergency purchase shall be recorded in the minutes. Motion by Sims seconded by Ashinhurst to approve the replacement of the STEP System by Rick Thomas for \$3605. Motion carried. Next meeting on July 9, 2019 at 6:00 p.m.

Liaisons: No reports.

Department Heads:

Building Inspector- Petray submitted his monthly reports. The Mayor asked Petray if he was notified of a KCPL contractor hitting a water line at College Park – Petray knew nothing. Petray had sent out 7 letters regarding the parking/storage of campers and RV's – they have to be parked/stored to the rear of the property and on 3" of compacted gravel or concrete. A letter has been sent to the property owner of the house on N. 24th, condemned a rental property and there will be a public hearing on the dangerous properties at 145 N. 11th and 1824 South Street. The permit fees are based on the value of the project.

Water/WWTP- Supervisor Clifford would like council to consider removing the rule of getting 3 bids for an emergency – check the ordinance language. Council would like a contractors list of the price per piece of equipment and for labor. Clifford stated that there are 150 STEP Systems at about \$1100 each so they have not had 1 in stock. Bill Flanigan stated that there is a section in the Building ordinances that talks about an emergency if it affects the health, safety or welfare of the public. Municipal Services to draft perimeters for bidding out contractor info.

Street- Supervisor Pence informed council that they worked on the flooding issues, worked on filling a couple of sink holes and have been returning some of the pumps for water/wastewater departments.

Fire- Chief Weber had 2 ambulances that were out for repairs for the brakes, AC and tires – all 3 ambulances are now in service. There have been times when they could not provide non-emergency transfers due to being down to 1 ambulance. The Chief truck has a front drive axle being replaced by Rodney Wolken. The exhaust system that was paid by a FEMA grant is completed. With the paramedic resignation, there are 2 paramedics considering splitting the shifts with the hourly rate to be the same as the full-time – there will be no benefits, maybe some vacation. Chief has a FF/EMT working until the paramedic position is filled. There are still 5 houses off of Myrick and 3 more down the road that are without water due to the valve breakage under water – hopefully Thursday or Friday the water will be down enough to repair the valve. Still delivering some water to those that are in need. After the water line is repaired there will be a boil order and the line will have to be chlorinated.

Police- Chief Grom informed the council that Fred Alkire is finishing up his training, he has been cleaning up old cases and developing the training for the summer.

Committee/Board Reports: none.

Grants: none.

Items from Prior Council Meeting:

Credit Card Machine- If the machine is damaged due to an “act of god” then it will be replaced. If the machine is damaged for any other reason than it would be a cost to the City. The City will own the machine it will not be leased.

Financial Software- Been working on setting up the chart of accounts, developing the accounts payable, general ledger, payroll and doing some training.

Financial Audit- Marshall Decker was out last week, should have a draft available in about a month and bring back the final in August.

Council Concerns/Comments:

Sims- Distributed an article from the newspaper regarding KC residents paying for water they didn't use due to faulty meters being installed. Some of the new meters failed. The meters from Neptune come pre-calibrated. The new reports have been very helpful to the residents to show the date and time of excessive water usage. Peggy contacts individuals when she sees there is a larger usage.

Mayor's Comments & Concerns:

Flood- The Mayor thanked the Moose Lodge for providing burgers, Papa Jack's for providing some pizzas, Wood Huston Bank, MFA Bayer Chemical and Anheuser-Bush for the 90,000 bottles/cans of water and EMD, Randall Hansen and Mark Appleby for having water trucks available within 4 hours if we lost water.

Motion by Houseworth 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 (3) Personnel. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Houseworth, Ashinhurst, Parris, Pohle and Lynn. Nay: none. Absent: Terry and Wolken.

Personnel:

City Administrator- no action taken.

Motion by Sims seconded by Parris to adjourn. Motion carried. Council adjourned at 8:55 p.m.

Carla Ghisalberti
City Clerk
06/11/19

Fred L. Wiedner
Mayor

Upcoming Events

- Council Meeting Dates- June 25, 2019 and July 9, 2019 at 7 pm
- 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.