

The City Council of the City of Lexington, Missouri met in Regular Session in the Council Chambers at the City Hall on Tuesday, March 26, 2019 at 7:00 p.m. with Mayor presiding.

The Pledge was presented and Cary Beal gave the invocation.

The Mayor called the meeting to order and roll being called, the following members of the council answered as follows:
Present: Donna Sims, Jill Calvert, Carolyn Houseworth, Jeff Simpson, Bill Miller, Earl Parris, Cary Beal and Scott Lynn.
Absent: none. Also Present: Carla Ghisalberti, City Clerk. Whereupon the Mayor declared a quorum present.

The Mayor added #9.1 HPC appointments to Consent Agenda Items and added #14 Website RFP to Discussion Items.
Motion by Simpson seconded by Sims to approve the agenda as amended. Motion carried.

Citizen's Participation:

Joe Aull, 15 Lakeview- Trying to figure out how the city can file an ethics violation without talking to him and put it out in the media. He tried to make sure the people in this community were educated and informed about one of the most critical and potentially dangerous issues in the city – trying to get the water treatment system. The violation stated that Joe lead the efforts of the city in promoting and soliciting voter approval for the new water treatment system. Mayor Brown asked Joe to help educate and inform the people about what's going on. Joe called every club/committee and asked to be on their agenda to come out inform them. He tried to educate the people on the issues/facts – he did not corerse anybody or threaten anybody. The violation stated that according to Statute 115.646 which says you can't spend public money to promote an issue. He did not have a check book – he could not write checks. We did not have yard signs, no brochures, and no ads in the newspaper or on radio. He has been involved in 7 bond issues and has never been accused of anything illegal or unethical. The water plant that was built in 1880 is falling apart. The losers are the citizens of Lexington due to the unrest, mistrust and everything that is going on. The Mayor stated that with an ongoing litigation matter this cannot be discussed. The violation of Statute 115.646 is not the fact that Joe took a check book and wrote a bunch of checks. It is the fact that the City paid Joe a salary as City Administrator, the taxpayers pay his salary so when he worked on the bond issue as a paid City employee that was the violation. Beal stated at the meetings he attended that Joe told the truth and he did not understand why he was getting in trouble for telling the truth – Joe being on salary was the violation. Aull stated that it is right you cannot use city money and using somebody's time on the job to promote an issue. He thinks that you can use that time to try and educate people because who knows better than the chief executive of that organization.

Gil Rector, 309 S. 15th St.- If not for Joe the schools would not have gotten the things they got, he worked for the State and for the county. Never once has anything like this been brought up. Thinks that some people don't want to share the limelight with Joe and it is pure jealousy.

Jamie Powell, 1901 South St.- Commended the Mayor and Council for acting so professionally at the last council meeting. They were assaulted at some stages, council held their decision and were very polite. Jamie has lived here 5 years and the fact that my father and grandfather did not live here doesn't give them anymore validity than him. Hopes this can be resolved sometime soon and get on with Lexington. Lexington has made great progress under the past and current administration, so let's not be stupid and go backwards.

Doug Booker, 1207 Francis- The is a negative thing. Find a way to work through this because transparency in the last year was gained. Need to find a way to clarify this with the people. The transparency is gone.

Jim Pohle, 2310 Aull Lane- Asked what was the violation that Joe supposedly did. The Mayor stated he led the efforts in soliciting voter approval for the water plant improvements and water system and most likely violated Statute 115.646. If Joe violated that, is it so strict that he had to be terminated. The Mayor stated that no one stated that was the reason. Then why? Council cannot give a response.

Frank Ashinhurst, 13578 Hwy 224- Frank stated that the Mayor said he was violation because he was being paid, the council paid him. Then why did you say he got money from this because the council was paying the salary. The Mayor stated that our attorney said he was in violation because the city paid his salary and he was the one that promoted the efforts and voter approval. The City has the right to have an Administrator so then why did you say he was taking money when he had a salary. The city has to pay.

The Mayor asked if there was anyone else that had anything to say that would not attack him or the city council or that involves Joe. The decision came from multiple attorneys.

New Employee Introduction: none.

Consent Agenda Items:

1. Approve minutes of Regular Meeting of March 12, 2019 and Special Meeting of March 15, 2019.
2. Approve the resignation of Terry Holshouser from Planning & Zoning.
3. Approve the appointment of George Danner to the Planning & Zoning with a term to expire March 31, 2020.
4. Approve the re-appointments of Laura Nitcher, Sharon Langman and Whitney Wiedner to the Tourism Commission with terms to expire March 31, 2022.
5. Approve the appointment of Christa Pointer to the Health & Wellness Board effective April 12, 2019 with a term to expire April 12, 2022.
6. Approve the re-appointments of Jamie Powell and Greg Nitcher and the appointment of James Mackenzie to the Historic Preservation Commission with terms to expire March 31, 2022.

Lynn asked about term limits on committees because the names seem to be the same. Most committees have a 2 year term limit and then they have to stay off the committee for 1 year. Make available and more welcoming the committee spots so there is more involvement from the community. Let's try to get different names. The new website will have a spot for interested individuals to contact the city regarding interest. Sims stated that this needs to be more public. The Mayor asks numerous individuals and gets numerous "no's" before someone agrees. It is important to get people involved in the community. The Mayor asked for recommendations. Motion by Miller seconded by Houseworth to approve the consent agenda items as presented. Motion carried.

Financial Items: none.

Discussion Items:

Fiscal Year 2020 Budget: The budget message was given to the public and council. Miller stated that we are coming out to the positive, a lot is being allocated over what was last year. Miller stated that the city is putting \$5,000 a month into savings. When applying for grants the city needs to be able to contribute a cash match to be eligible. The budget is balanced with a \$142,000 revenue over expense. The police and fire departments went up. The fire department is running more calls than last year – we are in contract negotiations with LRHC. There is fire truck payment, the salaries were increased for the police department and the increase includes the 2 grants that have been awarded to the City. There is a revenue increase in non-emergency transfers and the use tax. The grants are TAP for sidewalks on 24th Street and CDBG for street/drainage improvements. The city has set aside \$60,000 for a backhoe for the street department which will be divided between the water and wastewater. The equipment for the street department needs to be updated. Motion by Miller seconded by Parris to approve the FY20 Budget as presented. Motion carried.

Sewer/Water Board Ordinance: This ordinance amends the current ordinance to allow for a longer payment period. The current ordinance allows for 3 months of paying on a bill. Under the proposed ordinance if the bill is less than \$500 then 3 months will be allowed if over \$501 then the individual has 12 months to pay. It changes the name of the Board to "Utilities Board". Miller presented Ordinance No. 2019-12 AN ORDINANCE AMENDING CHAPTER 28, "WATER AND SEWERS" OF "THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON, MISSOURI". 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 Simpson to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Lynn seconded by Parris to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Calvert, Houseworth, Simpson, Miller, Parris, Beal and Lynn. Nay: none. Absent: none. Whereupon the Mayor declared the ordinance duly passed. Bill Flanigan stated that they have an individual whose bill is over \$2,000 that cannot pay in 3 months – requesting council allow this individual to have the 12 month period. The Clerk stated that an appeal has been filed by that individual to come before council to request an extended period of time. Motion by Miller seconded by Simpson to allow this new ordinance to apply to the individual, to allow the 12 month period for repayment and require payment of their current monthly bill. Motion carried.

Sewer/Water Rate Increase: The sewer/water rates are due to be increased by May 1st. To qualify for loans and grants the rates have to be within 2% of the median household income. Jim Ross recommended that we increase the rates by one-half of what is needed this year and then one-half the following year. Jim Ross had presented prior the step rate increases that would be needed. Getting close to hearing what the DNR and USDA grants would look like for the new water system. Council agreed to wait until Jim Ross can attend the meeting to explain reasoning for rates.

Website Design: The city budgeted \$7200 towards a new website. The City of Odessa, Oak Grove and Blue Springs all use CivicsPlus which are the leaders in the industry. A draft RFP was given to council for review. The deadline is 3:00 on April 30th. The Mayor will put together a team that is experienced in technology. Motion by Miller seconded by Calvert to approve sending out an RFP for website design. Motion carried.

Reports:

Administration: Met on March 26, 2019 and discussed: 1) **Phone System-** Chief Weber would like to change from CenturyLink to Worldwide Technologies, the cost is approximately the same and this is a local business. This would be the same system as City Hall which does not have a contract. Chief Weber stated that the phone system is 1994, does not do call forwarding, conference calls or voice mail. Worldwide would like a 5 year commitment with no rise in cost, a one-time setup fee of \$825 and the annual cost is \$2760. Council asked why we need a contract, there is no out clause - city would have to pay the remaining contract balance and what about technology upgrades. Equipment upgrades are at the cost of the city. The fire station currently has internet fiber with Worldwide. Simpson stated that the contract is over the \$5,000 bid procedure policy, the contract would be for \$11,000. Chief Weber to see if they would consider no contract. 2) **Residency Requirement-** Committee approved changing the personnel policy manual to match the City ordinances. Motion by Parris seconded by Beal to approve the change to the policy manual as presented. Motion carried. 3) **Medical Marijuana-** Started discussion regarding city regulations. The state has not completed setting all requirements – supposedly completed by July 2nd. There are several changes in several ordinance sections. Higginsville has started on this also, talk with Higginsville and MML. Next meeting on April 23, 2019 at 6:00 p.m.

Municipal Services: Next meeting on April 9, 2019 at 6:00 p.m.

Department Heads:

Fire- Chief Weber informed council that he was awarded a grant for \$2500 from FM Global for a laptop and software for fire inspections for businesses and a college intern will be in to help input information. A lot of citizens, the CERT Teams from Lafayette County, Johnson County Emergency Management and Johnson County came and helped with sandbagging.

Water- The Mayor informed council that in St. Joseph a parking lot collapsed breaking a sewer line that currently receive 1.5 – 1.6 million gallons of waste from industrial sources. There has been an estimated bypass of 500,000-600,000 gallons dumped into the river. DNR is hoping that it will be diluted enough by the time it reaches Lexington so that it will be treatable. Flooding got to about 1' – 1.5' on the sand bags, as of tonight it had dropped about 8 inches.

Street- Supervisor Smith informed council that they have started on summer work, they are working on patching streets, working on alleys and helping with sand bagging.

Police- Chief Grom informed council that the computer upgrades are in place, the car computers are being deployed, the animals were moved from the pound prior to flooding, 2 of the old cars will be kept for use as traffic vehicles and the other 2 will be discarded – there is an individual interested, the new reserve is going through the codes/in class training and will do ride along training and he is keeping in touch with additional police officer candidates.

Committee/Board Reports: none.

Grants: none.

Administrator: none.

Mayor's Comments & Concerns:

Administrative Support Team Group- The Mayor is appointing Justin Beal, Michael Lichte, Laura Nitcher, Bill Miller and Marsha Corbin as members of the Team. Three of the members have professional experience, 1 has council experience and 1 has economic development experience. Any input from council should be to them by April 2nd. Resumes will be accepted until position filled. The position will be advertised in MML, ICMA and Zip Recruiter. The Team will select 3 finalists in rank order for council to discuss in Executive Session at the May 14th meeting. Motion by Calvert seconded by Simpson to accept the members as presented and approve moving forward with advertising for the city administrator position. Motion carried.

Items from Prior Council Meeting:

- a. Water Union Negotiations- The negotiations have started – there seems to be no big change requests but more are legislative changes. Contract renews April 1st.
- b. Fiber Optic- The fiber and new phone systems was installed on Friday.

City Attorney: none.

Council Concerns/Comments: none.

Motion by Miller seconded by Parris to adjourn. Motion carried. Council adjourned at 8:08 p.m.

Carla Ghisalberti
City Clerk
03/26/19

Fred L. Wiedner
Mayor

Upcoming Events

- Council Meeting Dates- April 9, 2019 and April 23, 2019 at 7 pm
- Legislative Roundtable- March 28, 2019 at City Hall in Higginsville at 6 pm
- Sounds of the Heart- March 30, 2019 at Middle School at 7 pm
- Sewer Review Board- April 1, 2019 at 7 pm at City Hall
- General Election- April 2, 2109 at the Methodist Church
- River City Players Play- April 5-6 & 12-13, 2019 at VFW
- Park Day- April 6, 2019 at State Park from 9 am to noon
- Wind Symphony Concert- April 7, 2019 at Methodist Church at 3 pm
- Easter Egg Hunt- April 20, 2019 at Park Ball Fields at 11 am
- Belgian Waffle Breakfast- April 20, 2019 at Moose Lodge from 7 am to 11 am
- Easter- April 21, 2019
- 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
- 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
- MML Newly Elected Official Training- June 6-7, 2019 in Columbia
- MML Annual Conference- September 8-11, 2019 in St. Charles