

The Pledge was presented and Jill Calvert 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 9, 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, Jill Calvert, Carolyn Houseworth, Jeff Simpson, Bill Miller, Cary Beal and Scott Lynn. Absent: Earl Parris. Also Present: Carla Ghisalberty, City Clerk and Jeremy Cover, City Attorney. Whereupon the Mayor declared a quorum present.

The Mayor added 7a Resignation of Justin Beal and the appoint of Susan Kirkpatrick to the Administrative Support Team Group to Consent Agenda Items and added 6b Presentation Fire Chief to New Business. Motion by Simpson seconded by Sims to approve the agenda as amended. Motion carried.

Citizen's Participation:

Joe Aull, 15 Lakeview- Joe thanked the council members, even though he did not agree with everything done, for giving unselfishly of their time to serve the city.

Mike Kramer, 87 Tomahawk- The street snow plow scraped off a lot of the haydite chips due to the snow. There is a lot of the haydite in the yards about 1' to 2' from the curb. Maybe we should call the company.

Harold Bonanomi, 1006 Highland- Thanked the outgoing members for serving. For the new candidates, MML sends out a lot of information, he recommends going to the newly elected conference training sessions and go through the ordinances to get familiar because the citizens will call at all times.

New Employee Introduction: none.

Consent Agenda Items:

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

1. Approve minutes of Regular Meeting of March 26, 2019.
2. Approve the resignation of Ethan Hooser from P&Z Commission.
3. Approve the appointment of Ed Stryker to P&Z Commission with a term to expire 3/31/21.
4. Approve the resignation of Justin Beal from the Administrative Support Team Group.
5. Approve the appointment of Susan Kirkpatrick to the Administrative Support Term Group.

Financial Items:

1. Approve Financial Reports for March 2019: City Collector's Report - \$496,473.09, City Treasurer's Report - \$5,464,727.09 and Municipal Court Report \$1,499.50. More extensive reports are available upon request.

2. Approve the payment of the bills:

General Fund	Mar. 13-31, 2019	\$139,444.99	Council approval required for \$58,149.31 for checks written on 4/09/19
	Apr. 1-9, 2019	<u>\$139,130.02</u> \$278,575.01	
Sewer Fund	Mar. 13-31, 2019	\$ 16,969.21	Council approval required for \$38,033.94 for checks written on 4/09/19
	Apr. 1-9, 2019	<u>\$ 40,247.33</u> \$ 57,216.54	
Water Fund	Mar. 13-31, 2019	\$ 24,730.82	Council approval required for \$23,190.56 for checks written on 4/09/19
	Apr. 1-9, 2019	<u>\$ 29,109.17</u> \$ 53,839.99	

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

Discussion Items:

Health & Wellness: All projects have been approved by H&W and HCA. 1) **Healthcare Coalition:** The transportation program takes citizens to medical appointments and is at no cost to the Lexington residents. Last year H&W approved \$5,000 but since there have been additional transports H&W agreed to approve \$6,000. **Motion by Miller seconded by Simpson** to approve the request for \$6,000 for the transportation project services. Motion carried. 2) **Lexington Little League:** Requesting the purchase of 2 pitching mounds for \$5700, they will be stored off-site. The mounds are removable and will be used for certain age groups, on certain fields and leagues. The Park Board will not be purchasing pitching mounds. With the mounds the city can hold tournaments. **Motion by Houseworth seconded by Miller** to approve the request for \$5700 for 2 pitching mounds. Motion carried. 3) **Riverwell Institute:** The request is for \$5000 to have 2 events at The LEX for the social wellbeing of the citizens. Well-being is measured by happiness. The 2 events are silent movie and a German story play. The entertainers will not be paid until after the events. Admission will be charged. **Motion by Simpson** – motion died for lack of second. 4) **Margaret Gray:** They are requesting \$29,000. Meals on Wheels does 35 daily deliveries 5 days a week and 35-60 people come in each day at a low cost or no cost at all for meals. They have spent \$21,000 on food already. Beal stated that with the meal deliveries they also do well checks. **Motion by Beal seconded by Sims** to approve the request for \$29,000 for Meals on Wheels and other in-house meals. Motion carried.

FY19 Budget Adjustments: The adjustments finalize the year end totals as of March 31st. This brings the budgeted amounts in line with the actuals. Some of the revenue adjustments include the ambulance receipts, sales tax, grant monies and user fees. Some of the expense adjustments include railroad purchase, wages, construction projects and grants. **Motion by Miller seconded by Simpson** to approve the FY19 budget adjustments as presented. Motion carried.

CDBG Street Grant- Bartlett & West: This ordinance is an agreement with Bartlett & West for engineering and inspection services on the street and drainage improvement grant. The engineering fees are \$36,789 under Task Order #8. The project is in the area of the Armory. The grant is for \$302,652 with the city transportation board contributing \$76,700. Miller presented Ordinance **No. 2019-13 AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AND EXECUTE AN AGREEMENT BETWEEN BARTLETT & WEST, INC., 228 NW EXECUTIVE WAY, LEE'S SUMMIT, MISSOURI 64063 AND THE CITY OF LEXINGTON, MISSOURI TO PROVIDE ENGINEERING SERVICES.** **Motion by Simpson seconded by Lynn** to read the ordinance the first time. Motion carried. Ordinance read the first time. **Motion by Simpson seconded by Lynn** to read the ordinance the second time. Motion carried. Ordinance read the second time. **Motion by Lynn seconded by Houseworth** to place the ordinance on its final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Calvert, Houseworth, Simpson, Miller, Beal and Lynn. Nay: none. Absent: Parris. Whereupon the Mayor declared the ordinance duly passed.

State Auditor Recommendation-Sewer/Water Transfer: The Mayor had a conversation with the State Auditor which they initiated. Attorney Cover delivered statement. On 11/9/18 it was discovered that the former administrator had been forgiving water bills without utilizing the Sewer/Water Board ordinance, Section 28-93. On 11/13/18 the administrator was directed to stop violating the ordinance & use the process outlined in the ordinances. On 12/11/18 three members of the Sewer/Water Board were appointed to ensure proper operations of the Board. On 1/8/19 a council member brought up the issue of forgiving water bills which had continued and that it should be stopped immediately. On 4/4/19 the Mayor returned a call to State Auditor Nicole Galloway's office. The State Auditor wanted to know how we were handling water bill complaints and possible forgiveness – it was explained that under Section 28-93 there was a process. The State Auditor stated that the City had to add a back-end step where the City Collector prints an adjustment report, compares it to the Sewer/Water Board minutes authorizing write-offs. Someone at City Hall that has no adjustment access would then sign off. The sign off would then go back to the Board for the final sign off. This process would satisfy the State Auditor's office. The amount of the lost revenue is \$19,944.39. Consider having the General Fund transfer (back-end) the \$19,944.39 to the Water Fund which would have been used for operations. Joe Aull stated that he never forgave any body's water bill, he reduced bills but there was probably \$35,000 in over charges. Joe worked with Peggy and Clifford and reduced bills because there was no reason why some were so high. Aull tried to build trust, meet citizens halfway and be fair to the people. Never reduced bill below what they normally paid. The Sewer/Water Board hadn't met for several years, he was not told there was a board but once he was instructed to stop he did. The Mayor stated that it was discussed in open session in November, December and January council meetings. Sims would like to see proof and to verify the monthly reports. She would like to see the records to compare the \$19,944.39, talk with Joe Clifford and Peggy Ruehter before making a decision. The Mayor stated that the date of the adjustment, the citizen name, the amount and reason are on the reports. Lynn stated that the Sewer/Water Board was not active at the time and the Board is doing the same thing that Joe had been doing. Bill Flanigan stated that the Board would adjust if it was the City's fault and late fees because they were in dispute for some time. Sims stated that since the new drive meters have been installed there have been problems with increased bills and how do we know that's not part of the problem. The new meters are more accurate so the bills are higher and the old meters were not working correctly. Sims asked if Aull signed the report, did Aull know that it was being annotated like that. Aull stated that he would talk with Peggy. The City is responsible from the main to the meter and the owner is responsible from the meter to the house. Aull stated that he did give LexiHill a break to try to help a new business get up and running. Calvert asked if there were any cut

backs or bills forgiven after November 13th – yes there were approximately 15. Calvert stated that on 11/13/18 that Aull was directed to stop violating city ordinance and use the process outlined in city code, so he did not follow direction – that is insubordination. Jim Ross said that the USDA funds are on hold due to concerns about the satisfactory election issue. Simpson asked about urgency – the State gave no time line. Miller stated the City does not want to get a bad rep with the State for doing things especially we want to continue receiving grants. Beal stated that when the bills go out and it shows what is received and there is a difference then there has to be a reason why stated. Aull stated that if there is an election issue problem it was because the City filed the violation he did not and why would you file a complaint a year later. Motion by Miller seconded by Calvert to approve the transfer of \$19,944.39 from General Fund to the Water Fund. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Calvert, Houseworth, Simpson, Miller, Beal and Lynn. Nay: none. Absent: Parris.

TAP Grant- MECO: This ordinance is for doing surveys, develop plans, acquire right of ways, ensure compliance with ADA & HPC, construction inspections and manage project. The engineering cost is \$48,188.20. The project is from Aull Lane on the west side of 24th Street to the UP railroad bed. The grant is for \$240,941.20 with the city share \$60,235.30. Miller presented Ordinance No. 2019-14 AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AND EXECUTE AN AGREEMENT BETWEEN MECO ENGINEERING COMPANY AND THE CITY OF LEXINGTON, MISSOURI TO PROVIDE ENGINEERING SERVICES. Motion by Simpson seconded by Lynn to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Simpson seconded by Lynn to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Houseworth seconded by Miller to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Calvert, Houseworth, Simpson, Miller, Lynn and Beal. Nay: none. Absent: Parris. Whereupon the Mayor declared the ordinance duly passed.

Election Results: April 2, 2019 general election for the council members serving 2-yr. terms. New members include Steve Terry-1ST Ward, Rodney Wolken-2nd Ward, Frank Ashinhurst-3rd Ward and Jim Pohle-4th Ward. Motion by Lynn seconded by Simpson to read the resolution. Motion carried. Miller presented Resolution No. R-2019-02 A RESOLUTION TO DETERMINE THE RESULT OF THE ELECTION OF CITY OFFICERS AND TO DETERMINE WHO WERE ELECTED TO THE VARIOUS OFFICES AT THE LAST GENERAL CITY ELECTION HELD IN THE CITY OF LEXINGTON, LAFAYETTE COUNTY, MISSOURI, ON TUESDAY, APRIL 2, 2019, AND TO INSTRUCT THE MAYOR AND CITY CLERK TO ISSUE CERTIFICATES OF ELECTION, ATTESTED BY THE CITY CLERK, TO THE PARTIES ENTITLED THERETO. Motion by Simpson seconded by Lynn to approve the resolution as presented. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Calvert, Houseworth, Simpson, Miller, Beal and Lynn. Nay: none. Absent: Parris.

Reports:

Administration: Next meeting on April 23, 2019 at 6:00 p.m.

Municipal Services: Met on April 9, 2019 and discussed: 1) **Stop Sign**- The removal of the stop sign at 18th & Franklin was discussed. Chief Grom to do a traffic study, go before P&Z and then back to Municipal Services. 2) **Goosepond Erosion**- The erosion needs to be controlled from above, control the ground surface water and then have grass seed applied. The City would pay \$1500 and the Park Board would pay \$1500. Motion by Miller seconded by Houseworth to approve paying \$1500 if the Park Board agrees to pay \$1500.00. Motion carried. 3) **Lafayette Street**- There is a sink hole between 16th & 17th Streets. The line has not been televised since 2002. Joe Clifford stated that both manholes had been opened on 16th there is no dirt showing in the manhole and there was no mud showing when probing down 16'. There may be some old mines. There are some more sinkholes throughout town and if they are in the CDBG area then those would be looked at during the project. The street department to top off the sinkhole with rock. Discuss at the next Municipal Services. Next meeting on May 14, 2019 at 6:00 p.m.

Department Heads:

Building Inspector- Petray submitted his annual report. The city-wide cleanup is set for April 27-May 4 for household and bulky waste items and May 7-9 for curbside yard waste. AAA Disposal to also pay for educational materials. Proof of residency will now be required. Jobe's to take oil and other hazardous waste. Still reviewing the draft ordinance for Chapter 6, it has been discussed with Lauber. ISO is ready to finalize the report but have agreed to hold off until he gets his last certification. Building permits are picking up.

Water/WWTP- Supervisor Clifford informed council that there are 10 residential drive-by meters left to install. Looking at a new used sludge truck, a new truck is \$180,000, the truck is used to pump 15 lift stations and to pump the 150 step systems. The old truck is a 1983 and we can no longer get parts. To hire someone to pump out the step systems is about \$300 each.

Fire- Chief Weber informed council that Farrel Clevenger will be resigning effective May 30th, he has served 15 years with the department and there will be a public reception on May 4th for his retirement. Farrel has worked 2 full-time jobs for the 15 years.

Street- Supervisor Pence informed council that they have used 18 tons of cold mix, Commerce Street has been shut down due to the land sliding from a water leak and the loader is down, the gear box to the steering repair is \$4500.

Police- Chief Grom informed the council that he had been attending a DARE graduation for 5th & 6th graders. Chief Grom thanked the council members for their support for the past year and it has been a pleasure working with them. Chief has been talking with the students at Central Missouri University and telling them the advantages of working for a smaller community.

Committee/Board Reports: none.

Grants: none.

Council Concerns/Comments:

Beal- Told the new council members to go to the Street Department and look at the equipment they have to use.

Simpson- Thanked Miller for his 8 years of service and for the help on the Budget Committee.

Miller- Agreed with Beal – money is always pulled from streets if needed. Help the Street Department. Remember to govern for the entire City and the citizens at home.

Mayor- Thanked the members for serving and would like them to continue to help with committees.

Sims- Thanked all the members and appreciated all they have done.

Motion by Sims seconded by Miller to adjourn Sine Die. Motion carried. ROLL CALL VOTE was answered as follows:

Aye: Sims, Calvert, Houseworth, Simpson, Miller, Beal and Lynn. Nay: none. Absent: Parris.

City Clerk Swore in the Newly Elected Officials

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, Carolyn Houseworth, Rodney Wolken, Frank Ashinhurst, Jim Pohle and Scott Lynn.

Absent: Earl Parris. Also Present: Carla Ghisalberti, City Clerk and Jeremy Cover, City Attorney. Whereupon the Mayor declared a quorum present.

Mayor Pro-tem: Motion by Houseworth seconded by Sims to nominate Scott Lynn for a 1-year term. Motion carried.

ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Houseworth, Wolken, Ashinhurst, Pohle and Lynn.

Absent: Parris.

Committee Appointments: The Mayor appointed Terry, Sims, Parris and Pohle to Administration and Wolken, Houseworth, Ashinhurst and Lynn to Municipal Services.

Financial Auditor Proposals: The Clerk presented the auditor proposals for three years. A single audit is required if the City expends over \$750,000 in federal funds. Decker & DeGood proposed \$9250 for 2019, \$9450 for 2020 and \$9650 for 2021, \$1850 for a single audit and \$120 per hour rate. Decker has been the auditor in the past prior to Cochran Head Vick. Dana Cole proposed \$12,500 for 2019, \$13,125 for 2020 and \$13,750 for 2021, \$3500 for the 1st single audit, \$2,000 for each additional and an hourly rate between \$75-\$210. Cole is the firm for Odessa. Cochran Head & Vick proposed \$12,000 for 2019, \$14,000 for 2020 and \$16,000 for 2021, \$3000 for the 1st single audit, \$2000 for each additional and between \$85-\$190 hourly rate. CHV has been the auditors for the past 3 years. Five other firms were sent RFP's and chose not to bid. Attorney Cover stated that changing auditors is common and a good practice to get fresh eyes on the financials. The Mayor stated that we were away from Decker for 3 years, since then we went through the state audit, and changes have been made so there will be new things. Motion by Ashinhurst seconded by Pohle to approve the proposal from Decker & DeGood for 3 years. Motion carried.

Sewer/Water Rates: Jim Ross, Bartlett & West stated that to get grants the water rate has to be 2% of the MHI. The get to that rate the water rates would have to increase by \$10.64 per month by the time the granting funding is awarded. Ross recommended increasing the rate by ½ or \$5.32 per month this year and the remaining ½ before the funding by USDA. USDA has the grant money available but did not say how much. CDBG requires 2% of LMI for their grants. The increases for water and wastewater to be effective May 1st. To be discussed at next council meeting. Terry stated that wasn't there rate

increases approved through 2020, would this be on top of those rates. The plan in concept is to be within the 2% and have it raised by 2020. Sewer rates will still be based off of water usage.

EMT Wages: Dan Bland, Captain & Fire Marshall has 21 years with the City as a FF/EMT. Randall Hansen has 30 years in part-time and full-time positions. Chief Weber did a salary survey from other departments that have both the fire/ambulance services. For a FF/EMT the salary ranges from \$11.00 ph. - \$17.78 ph. with Lexington being the lowest paid. With the retirement of a FF/EMT the Chief is requesting a raise in the base salary to \$13.06 ph. which would be \$36,000 annually, the captain position gets an additional \$.25 ph. and the Fire Marshall to get \$13.56 ph. The total salary increase would be \$15,046 plus \$3200 for retirement, FICA and work comp for a total of \$18,250. Chief Weber is recommending taking this out of the Public Health as we currently do for the additional pay for paramedics. There is currently \$243,680 in the fund so to buy a new ambulance remount is about \$150,000. The public health fund on an average collects \$180,000 annually. The fire truck payment has been budgeted but not out of Public Health. The salary for EMT's are based on 212 hours per month and police officers are based on 171 hours per month so the hourly rates cannot be compared. Motion by Sims seconded by Ashinhurst to approve the EMT salary increases as presented. Motion carried. Wolken –Abstain.

Items from Prior Council Meeting: none.

Council Concerns/Comments:

Ethics Violation- Pohle asked about the status on the investigation on the ethic issue. The Mayor stated that the letter said it would be 90 days.

Mayor's Comments & Concerns:

City Wide Cleanup- Informational sheet on the cleanup was distributed. April 27 – May 4 for household and bulky waste – we are trying to be open 1 Sunday. May 7-9 for curbside yard waste.

Newly Elected Official Conference- June 6-7 in Columbia, if interested please contact the Clerk. The training is paid by the City.

Committee Appointments- The Mayor distributed the list of committees with the assigned council liaison.

No Executive Session.

Motion by Houseworth seconded by Sims to adjourn. Motion carried. Council adjourned at 8:45 p.m.

Carla Ghisalberti
City Clerk
04/09/19

Fred L. Wiedner
Mayor

Upcoming Events

- Council Meeting Dates- April 23, 2019 and May 14, 2019 at 7 pm
- City Official Training- April 19, 2019 at Midwest Public Risk Bldg. at 8:30 am
- 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
- 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.
- City-wide Garage Sale- June 1, 2019, sponsored by the Lexington News.
- MML Newly Elected Official Training- June 6-7, 2019 in Columbia
- MML Annual Conference- September 8-11, 2019 in St. Charles