

The Pledge was presented and Donna Sims 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 25, 2019 at 7:00 p.m. with Mayor Pro-tem presiding.

Mayor Pro-tem read the resignation of Mayor Fred Wiedner. A special election to be held. Municipal election can be done in June or August but the city may be past the deadline dates so it may not be until November.

The Mayor Pro-tem 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, Frank Ashinhurst, Earl Parris, Rodney Wolken Jim Pohle and Scott Lynn. Absent: none. Also Present: Carla Ghisalbetti, City Clerk. Whereupon the Mayor Pro-tem declared a quorum present.

The Mayor Pro-tem removed #10 City Administrator from Discussion Items. Motion by Parris seconded by Sims to approve the agenda as amended. Motion carried.

Citizen's Participation:

Melissa Beal 4618 Stream Team, Gilead Rupe Rd- Beal was contacted by residents on Forest Lane and Forest Avenue regarding drainage issues, she took pictures and started to understand their problems. A lot of people have been complaining about the street debris and condition – she stands behind the street department. We as citizens should be asked to see what we can do to help. The citizens are not welcoming to newcomers. There is bickering between the adults that needs to stop for the community.

Jim Thomas, 14 Lakeview- All of this stems from the Joe Aull issue. Aull helped with the hospital reimbursement and water issues. He wanted to speak with the City Attorney regarding the ethics violation.

Ed Stryker, 2302 Aull Lane- When is council going to hire an Administrator? Mayor Pro-tem stated that this is the process the council is currently in. Parris stated that he recommended an appointment twice but it was defeated twice. Stryker stated that some people want Joe Aull but he does not because he does not meet the qualifications.

Cary Beal, 2117 ½ McKinley- The issue regarding the ethics commission had nothing to do with Joe Aull's termination. At the first meeting in November when the issue of the water bill write-offs came up he was told to stop but he continued. If you allow 1 city employee to disobey an order then every city employee will want to do that. Be very careful about every decision you make.

Abigail Tempel, 1622 Main- With the resignation of the Mayor it shows the negative impression of the community due to a number of issues. This is causing extreme damage to the community, the businesses are seeing a drop in traffic and new businesses do not want to come to town. The negative comment and friction serves no purpose for the future of Lexington and it is time to put it to rest.

Nick Luke, 15 Country Club Terrace- Had a complaint regarding the fee's charged for business licenses on out of town contractors. It has been hard to hire contractors in Lexington due to the work force. The fee is \$130 and is not proportionate to the work to be done - there is no fence contractor locally. Suggested the permit be on a temporary basis for the length of the project. Accommodate if business type is not available locally. Some of the city codes are counterproductive. Suggested scaled pricing for certain things.

Mayor Pro-tem read a proclamation for Bob Levy for his achievement in the World Powerlifting games in Lutsk, Ukraine.

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 Regular Meeting of June 11, 2019.

Financial Items: none.

Discussion Items:

Liquor License: The application is for Amie's Old Town Bar Grill located at 2312 South Street. Monday through Saturday open from 2:00 pm to 1:30 am and closed on Sunday. Motion by Parris seconded by Ashinhurst to approve the liquor license application for Amie's Old Town Bar Grill as presented. Motion carried.

Fireworks: The ordinance now sets specific dates and times for the discharge of fireworks and also includes state requirements. Under paragraph A –b the date should be “until January 2nd”. Under paragraph B remove “to 12:00 midnight on”. There was a question regarding discharge within 600’ of schools, churches, hospitals knowing that there are residents adjacent to those places – it would be up to the police if they wanted to pursue. The ordinance allows for the discharge from December 2nd through January 2nd. Recheck the numbering of the paragraphs. This was approved by Lauber Law. Sims presented Ordinance No. 2019-22 AN ORDINANCE OF THE CITY OF LEXINGTON REVISING THE CITY CODE BY REPEALING SECTION 9-46 REGARDING FIREWORKS AND ENACTING ONE NEW SECTION IN LIEU THEREOF. Motion by Parris seconded by Terry to approve the recommended changes to the ordinance. Motion carried. Motion by Parris seconded by Houseworth to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris seconded by Terry to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Parris seconded by Houseworth to place the ordinance on its final passage with the amendments. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Houseworth, Parris, Ashinhurst, Pohle and Lynn. Nay: none. Whereupon the Mayor Pro-tem declared the ordinance duly passed.

Right-of-Way Public Easements: Parris asked what initiated this. It is when a street or alley is vacated the adjoining property owners obtain a portion of the abated street/alley. The legal descriptions had not been included in the ordinance. So when looking at a legal for a piece of property it would never show that a portion of the vacated street or alley was now part of their legal property. Bill Flanigan spoke with the County Assessor and County Recorder when drafting this ordinance. This was approved by P&Z and Lauber Law. Sims presented Ordinance No. 2019-23 AN ORDINANCE OF THE CITY OF LEXINGTON, MISSOURI TO AMEND CHAPTER 23 AND 29 OF “THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON” RELATED TO RIGHTS-OF-WAY PUBLIC EASEMENTS. Motion by Houseworth seconded by Parris to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris seconded by Houseworth to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Parris seconded by Pohle to place the ordinance on its final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Houseworth, Parris, Ashinhurst, Pohle and Lynn. Nay: none. Whereupon the Mayor Pro-tem declared the ordinance duly passed.

Backhoe Lease Options: Lease options were presented from Caterpillar-Foley Equipment. To lease the full amount of \$94,416.98 for 3 years at 3% the payment would be \$33,400 annually with a payoff on 6/21/21 and to put \$50,000 down and lease \$34,416.98 for 3 years at 1/9% the payment would be \$11,910.68 annually. The City is a Sourcewell Member #137296 so no bidding is required. Lease options from John Deere- Murphy Tractor. To lease the full amount of \$93,453 for 3 years at 3% the payment would be \$32,088.56 annually with a payoff of 6/21/21 and to put \$60,000 down and lease \$33,453 for 3 years at 3% the payment would be \$17,492.95 annually. There is a considerable cost difference in leasing the partial amount due to the interest rates. It was discussed at the last meeting that paying \$60,000 would restrict other purchases. If the full amount is leased then when old equipment/vehicles are sold in about 2 weeks that could be applied towards a new used truck for the Street Department. The payments are divided equally between the Street, Water and Wastewater departments. There is no buyout at the end of the lease. It will take about 10-12 days to get the attachments. Motion by Ashinhurst seconded by Terry to approve the purchase of the Caterpillar-Foley Equipment in the amount of \$94,416.98 and to do a lease purchase financing option for the full amount. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Houseworth, Parris, Ashinhurst, Pohle and Lynn. Nay: none.

Reports:

Administration: Met on June 25, 2019 and discussed: 1) **Water Plant/Wells-** Delmar Dothage had some comments about the water plant and wells. 2) **Fire Chief Vehicle-** The old truck to go to the Water/Wastewater department to decide if they want to keep it based on the repairs needed. If not it will be sold. The committee agreed to the purchase of a program car 2017 Ford Explorer at \$30,177 from Swafford Fords. The committee wanted an extended warranty at no more than \$1200. This to be paid out of the Public Health fund which currently has \$218,000. The radios and lights to be transferred to the new vehicle. Motion by Ashinhurst seconded by Sims to approve the purchase of the 2017 Ford Explorer from Swafford's. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Houseworth, Parris, Ashinhurst, Pohle and Lynn. Nay: none. Abstain: Wolken. 3) **Clinical Site Agreement-** Chief Weber has been asked by MCC to serve as a clinical site for training so that paramedic can shadow our department because we have a unique department. They do not get the long term care in Kansas City and this is at no cost to the City. The program would not start until January The agreement has some recommended changes by Lauber Law. Tabled to next council meeting. 4) **Court Fines-** The

committee recommended approval. Tabled until next meeting to allow Valoree time to review. Next meeting on July 23, 2019 at 6:00 p.m.

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

Liaisons: **Water Advisory-** Ashinhurst, Town Hall meeting set for July 10th and the committee has a meeting tomorrow. Waiting on the financing information from USDA. **P&Z-** Sims, Petray and Meghan Brown have been dealing with a lot of nuisances and there is a lack of attendance by some members. Possibly put on some new members. **H & W-Parris,** will be changing some of their procedures, for example having HCA approve first before they consider. **Fair-** Terry, hired the Bucket Band for Saturday and they have received the OK from the theater and the Mexican restaurant for the car show parking.

Department Heads:

Building Inspector- Petray informed council that there are 37 active permits, there is a new house on Golf Road, a garage being built on Sunset, the demolition at 700 N. 17th is completed they will go to 318 N. 24th, the demolition of 1901 Taylor is complete and HPC has not had a liaison at their meetings. There is a tree on the alley behind Poplar that is old and has a dead limb. Supervisor Smith is working on this problem. Supervisor Smith stated that there is also a limb down by the Madonna. There is also a problem on Highland that continues to get worse.

Water/WWTP- Supervisor Clifford informed council that the water level is at 27.2 feet so they are running the pumps 24 hours a day, the water leak on Myrick has been repaired, FEMA will be here on Thursday and the Gutherie and Love STEP system issues have been resolved. Terry asked that volunteers help with the removal of the sandbags when the time comes. No issues at the wastewater plant.

Street- Supervisor Smith informed council that they have been doing routine maintenance, working on some washouts, working on some sinkholes and Vance Bros will redo all the chip/seal streets from last year about the end of July. Make sure the chip/seal is rolled for packing. Haydite rock is hard to get so trap rock was used last year.

Fire- Chief Weber informed council that there was a violent call tonight and he wanted to thank Officer Alkire & Pemberton for their assistance, all the ambulance are back in service and the new FF/Paramedic will start July 1st. Motion by Sims seconded by Ashinhurst to approve the fulltime appointment of Elizabeth Arman, FF/Paramedic effective July 1st. Motion carried.

Police- Chief Grom informed the council that they are renegotiating the SRO contract, at a later date the benefits of that position the first year will be presented- possibly expanding the hours. Pohle asked about the ride along policy- the individual must sign a waiver, be over the age of 18 and have no felony charges. Terry asked about the open positions. Chief Grom stated that the 2 Reserves were to be approved tonight – the Clerk stated that the applications were never brought forward. Police Personnel Board is recommending the appointment of Ryland Sims and Eric Walker as Reserves Level 1. Ryland Sims has worked for the before. Motion by Ashinhurst seconded Pohle to approve the appointment of Ryland Sims as a Police Reserve. Motion carried. 7-1 Sims, Abstain. Motion by Sims seconded by Parris to approve the appointment of Eric Walker as a Police Reserve. Motion carried.

Committee/Board Reports: none.

Grants: none.

Items from Prior Council Meeting:

Credit Card Machine- There will be a conference call on Thursday with Lauber Law, the credit card machine representatives and the Clerk to discuss the changes to the agreement.

Copier Lease- The contract changes have been approved by Somner One and the contract will be presented at the July 9th council meeting.

Council Concerns/Comments:

Parris- Remember that it was agreed that we would improve 16th sidewalks and the College Park restroom. The water line damage by KCPL at College Park has been repaired but the Boy Scouts are saying that the water color is bad and there is very little pressure. Supervisor Clifford stated that today the water was clear and he will check with the contractor to see about the pressure. The council needs to give Lynn some support as Mayor Pro-tem.

Ashinhurst- There are small town clicks and it is hard to break into those clicks – they need to be broken up. Beal stated that as a newcomer of 13 years she feels unwanted. Sims stated that she hopes that it is not the case and all people do not feel that way. There is so much disorganization now and no one is stepping forward to take over the leadership.

Chief Weber asked that the Clerk be allowed to sign purchase orders over the \$2500 limit due to the absence of an Administrator and Mayor. Council agreed that the Chairman of the Budget Committee, Parris be authorized to sign the purchase orders if needed.

Mayor Comments & Concerns: none.

No Executive Session.

Motion by Houseworth seconded by Parris to adjourn. Motion carried. Council adjourned at 8:36 p.m.

Carla Ghisalberti
City Clerk
06/25/19

G. Scott Lynn
Mayor Pro-tem

Upcoming Events

- Council Meeting Dates- July 9, 2019 and July 23, 2019
- July 4th Fireworks Display- July 3rd at Community Park
- Town Hall Meeting- July 10th at the LEX at 7 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.