

Because of the State of Emergency declared by Missouri Governor Parson and the need to keep the public safe during the Coronavirus Pandemic, the City Council will meet via a virtual meeting using Facebook. The meeting will be live streamed in real-time on Lexington's Facebook page at the following link: <https://www.facebook.com/City-of-Lexington-MO-112243290184555/>

The pledge was presented and the Mayor 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, May 12, 2020 with Mayor Aull 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, Carolyn Houseworth, Rodney Wolken, Earl Parris, Jim Pohle and Scott Lynn. Absent: Frank Ashinhurst. Also present: Carla Ghisalberti, City Clerk and Mark O'Dell, City Administrator. Whereupon the Mayor declared a quorum present.

The Mayor added #6 Committee Appointments to Consent Agenda Items and added #20 Mutual Aid Agreement. Motion by Parris seconded by Lynn to approve the agenda as amended. Motion carried.

Citizen's Participation: none.

New Employee Introductions & Recognitions: none.

Consent Agenda Items:

1. To approve the minutes of the Regular Meeting on April 28, 2020 and Special Meeting on May 1, 2020.
2. To approve the re-appointments of Steve Fuller for a 3 year term to the Transportation Board with a term to expire 6/22/2023.
3. To approve the re-appointment of Tim Crosson for a 3 year term to the Planning & Zoning Commission with a term to expire 3/31/2023.
4. To approve the re-appointment of Janae Fuller for a 1 year term to the Historic Preservation Commission with a term to expire 3/31/2021.

Motion by Parris seconded by Sims to approve the consent agenda items as presented. Motion carried.

Financial Items:

Approve the financial reports for April 2020: City Collector's Report - \$481,349.58, City Treasurer's Report - \$5,676,465.72 and Municipal Court Fine Report - \$777.50. Motion by Sims seconded by Houseworth to approve the monthly financial reports for April as presented. Motion carried. Sales tax collections are up.

Approve the payment of the bills:

General Fund	April. 15-30, 2020	\$170,997.66	Council approval required for \$82,424.86 for checks written on 5/12/2020.
	May 1-12, 2020	<u>\$134,344.67</u>	
		\$305,342.33	
Sewer Fund	April 15-30, 2020	\$ 7,628.01	Council approval required for \$20,810.28 for checks written on 5/12/2020.
	May 1-12, 2020	<u>\$ 28,637.11</u>	
		\$ 36,265.13	
Water Fund	April 15-30, 2020	\$ 10,403.63	Council approval required for \$33,419.68 for check written on 5/12/2020.
	May 1-12, 2020	<u>\$ 44,100.98</u>	
		\$ 54,504.61	

Motion by Lynn seconded by Sims to approve the payment of the bills as presented. Motion carried.

Discussion Items:

Swimming Pool: Connie Pohle started filling the pool about 2 weeks ago – there is 18” left to fill 120,000 gallons. The daily staff cost is \$485 and last year the pool lost \$17,000. It would take 100 people at \$5.00 to cover the lifeguard cost so limiting the number of people won’t work. Odessa is opening on July 1st, Higginsville is opening on June 6th, Concordia is opening May 30th and Richmond is discussing tonight. Odessa and Higginsville will give no season passes, no parties, no swim lessons, concessions will only sale prepackaged food/drinks and limited amount of deck furniture. The virus cannot be passed through water. Pohle needs to get the chemicals ordered, fill the remainder of the pool (2 weeks to warm), hire lifeguards and start the pumps. If the pool would be closed the chemicals could be used next year. There is nothing for the kids to do; parents will determine if they want their child at the pool. Council discussed tentatively opening the pool but see how the next 2 weeks are with health concerns and develop guidelines. Motion by Pohle seconded by Lynn to approve opening the pool. Motion carried. Motion by Parris seconded by Houseworth to tentatively opening the pool on June 6th subject to or based on the health conditions and with stipulations. Motion carried. Pohle and Christel to check with other communities on guidelines and at the next Park Board meeting on May 18th have Christa Simpson, Pool Manager there to discuss. Pohle asked council to look at the Marina, he and Clarence Dothage removed/cleaned sand from the bathrooms, removed/cleaned sand from the shelter house; there have been multiple items stolen (benches, trash cans, toilet risers) and a lot of vandalism. The toilet risers are \$1200 each. Council suggested cameras be installed.

Community Fair: The Fair is set for the week before school starts in August. Deb Bagley would like to proceed with the Fair and Administrator O’Dell is in favor of having the Fair with social distancing. At the last council meeting Parris commented on the negative balance on the Fair Budget. The Fair actually had a positive \$4,000 on the Fair but the negative is due to them purchasing large items during and after the Fair that will be used long term. There is a contract with the carnival; Sims stated that there should be some verbiage in the carnival contract that allows for this type of issue. The Fair Board to come up with some guidelines. The Missouri State Fair is undecided at this time. Motion by Parris seconded by Sims to precede tentatively with the Fair pending health conditions and develop some guidelines. Motion carried.

Utility Bill Issues: Jeff Simpson purchased a property at 16th & Lafayette, the renter from 2016 before he owned it left a utility bill. The Utility Board agreed to split the bill ½ Simpson and the other ½ the title company would pay. A lien was never filed on the property so there is no legal authority to make Simpson or the title company pay the bill. The current ordinance states that after a bill is 90 days past due then a lien can be filed. Check to see if the prior utility bill can be taken to a collection agency. Motion by Sims seconded by Pohle to approve waiving the past due amount of \$249.32 for Jeff Simpson. Motion carried. City Collector Peggy Ruehter put together information regarding accounts receivable. There are 31 past due bills where the property has been sold, there are past due bills prior to 2013, there were 88 past due bills where liens had been filed and paid, there are 91 past due bills that are more than \$100 with no liens, there are numerous accounts less than \$100 with no liens and during this pandemic there are numerous bills that have not been paid since have been no shut offs. Section 28-98 of the Code say that upon the bill being delinquent for 3 months, the City shall either file a lien on any land owned by the property owner or user. It is suggested that we add “or submit the delinquent bill to a Collection Agency” to the code. Under accrual accounting the delinquencies would be written off as bad debt and still be sent to collection agency. Some of the accounts will have to be written off as bad debt. An amended ordinance to be brought to council on May 26th. Council to decide how far back we will go for collections. Parris asked about having the personnel to handle this, it will have to be done. The City has gone about 3 months without doing shut-offs. Doing shut offs will have to be staggered due to the number of delinquent accounts. Motion by Sims seconded by Lynn to start doing shut offs at the end of the month according to the existing ordinance guidelines. Motion carried.

Ambulance Resolution: Bank Midwest (NBH) requires a resolution authorizing the purchase of the ambulance and approving the lease for \$143,661.00. Motion by Parris seconded by Wolken to read the resolution. Motion carried. Sims presented Resolution No. R-2020-03 A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF EQUIPMENT LEASE/PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF \$143,661.00 BETWEEN THE CITY OF LEXINGTON AND NBH BANK, PROVIDING LEASE PAYMENTS FROM LEGALLY AVAILABLE FUNDS AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH. Motion by Sims seconded by Houseworth to approve the resolution as presented. Motion carried.

Dump Truck Resolution: Bank Midwest (NBH) requires a resolution authorizing the purchase of 2 dump trucks and approving the lease for \$260,000.00. Motion by Parris seconded by Lynn to read the resolution. Motion carried. Sims presented Resolution No. R-2020-04 A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF EQUIPMENT LEASE/PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF \$260,000.00 BETWEEN THE CITY OF LEXINGTON AND NBH BANK, PROVIDING LEASE PAYMENTS FROM LEGALLY AVAILABLE FUNDS AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH. Motion by Parris seconded by Lynn to approve the resolution as presented. Motion carried.

Lexipol Police Manual Agreement: This is for the development and to provide updates to the police manual. This is a sole source company for this project. The cost is \$12,056 initially and then an annual fee of \$5801.00. They will provide a law enforcement policy manual, supplemental manual and daily training bulletins. Sims presented Ordinance No. 2020-19 AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE AGREEMENT FOR THE USE OF SUBSCRIPTION MATERIAL (POLICE SOP'S) BETWEEN THE CITY OF LEXINGTON AND LEXIPOL. 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 Houseworth 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 its final passage. Motion failed. ROLL CALL VOTE was answered as follows: Aye: Terry, Houseworth, Wolken, Parris, Pohle and Lynn. Nay: none. Abstain: Sims. Absent: Ashinhurst. Whereupon the Mayor declared the ordinance duly passed.

Floater Position: Budget Committee discussed hiring a part-time floater position to work in the water, sewer and street departments for 30-35 hours per week at \$12.00 per hour. The cost is approximately \$25,000 which includes FICA and work comp. There is currently \$12,000 in the street budget for a part-time summer mowing position. The sewer and water department would need a budget adjustment of \$8300 for this position. Administrator O'Dell wants to see how this will work and maybe in next budget year make it a full time position. The department heads are to decide where he will work and if that cannot be done then the Administrator will decide. The position will mainly be mowing during the summer. Motion by Houseworth seconded by Sims to approve adding the floater position and split between sewer, water and street departments. Motion carried.

FY2021 Budget Adjustments: Based on the approval of the floater position there needs to be an adjustment to wages and FICA in the water and sewer budgets, each department budget will be increased by \$8300. Motion by Houseworth seconded by Lynn to approve the budget adjustments as presented. Motion carried.

Demolition Trailer Bids: Bids were received for the demolition of the trailers at 603 S. 23rd Terrace and 817 Franklin. Four proposals were received: 1) Midwest Excavate- 817 Franklin - \$6300 and 603 S. 23rd Terr - \$5165 = \$11,465 2) Earthworks bid total for both \$11,500 3) Rick Thomas Ditching- 817 Franklin - \$5500 and 603 S. 23rd Terr - \$7000 = \$12,500 and 4) L&K Land- 817 Franklin - \$8000 and 603 S. 23rd Terr. - \$7000 = 15,000. Building Inspector Petray informed council that that the lot is to be cleared of all structures, hauled off and brought back to a buildable condition. BI Petray is recommending Midwest Excavate for the 603 S. 23rd Terr demolition for \$5165 and Rick Thomas Ditching for the 817 Franklin demolition for \$5500. The contractors are willing to split the bid. Motion by Lynn seconded by Sims to approve the bid from Midwest Excavate and Rick Thomas Ditching as presented. Motion carried.

Recovery Plan Update: The Mayor asked council members if there were any recommended changes to the plan that had been approved on May 1st. The restaurants are practicing social distancing with no limit on the number of people. Council had no changes to the plan.

Health & Wellness: Chief Sims submitted a proposal for a K9 program. The Police Department and Lexington RV School District have been awarded a Sector K9 grant that provides the dog, the training for the dog and handler at no cost. The police vehicle must be equipped, travel expenses for the training and ongoing training are to be incurred. The dog is to be used as a comfort dog 80% and as a drug dog 20%. H&W voted to award 80% of the cost or \$8,000. HCA determined that \$4,000 would be closer to the upfront costs and more could be applied for later. H&W agreed to allocate \$4,000 for the comfort dog program in conjunction with the SRO in Lexington schools. The School District to pay a portion of the initial expenses, there will be fundraising events for continuing costs. There are some local businesses that are donating services. Motion by Houseworth seconded by Pohle to approve the H&W grant to the Police Department and School District for \$4,000. Motion carried.

City of Higginsville Mutual Aid: With the change/addition of coverage to the Mayview Fire District area for ambulance service an amended mutual aid agreement is needed. Sims presented Ordinance No. 2020-20 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE MUTUAL AID AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE CITY OF LEXINGTON AND THE CITY OF HIGGINSVILLE. 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 Houseworth to place the ordinance on its final passage. Motion failed. ROLL CALL VOTE was answered as follows: Aye: Lynn, Pohle, Parris, Wolken, Houseworth, Terry and Sims. Nay: none. Absent: Ashinhurst. Whereupon the Mayor declared the ordinance duly passed.

Reports:**Committee Reports:**

Administration- Next meeting May 26, 2020 at 6:00 pm.

Municipal Services- Met on May 12, 2020 and discussed: 1) **Sewer Hookup-** A request was received from a property owner on S. 24th to replace his septic tank. City ordinance states that if the property is within 200' of a sewer line it must hook to city sewer. The property owner is 192' of the city sewer and would require a grinder pump. A septic tank is required to be under grass with laterals, the lot is concrete/gravel. The committee agreed to follow the ordinance requirements. Motion by Lynn seconded by Houseworth to follow city code and required the hook up to city sewer. Motion carried. 2) **Stop Sign Request-** A citizen submitted a request for a stop sign at the corner of Poplar & Amelia. There are bushes that are blocking the view and a lot of children play in that area. BI Petray and Officer Pemberton to contact the property owner about the bushes to see if they would remove them or cut them back. There may need to be 2 stop signs. P&Z may need to review this. 3) **Culvert-** At 1901 Forest the culvert is broke and water floods the Spease house. The water also runs down onto Forest Lane and could damage the road. Administrator O'Dell to get some cost estimates. Next meeting June 9, 2020 at 6:00 pm.

Liaisons: no reports.

Department Heads: Written reports submitted. Pohle asked about the street loader steering gear parts that have been received and we need to get it fixed.

City Administrator Report:

- a. Water Tap Fees- Current ordinance states that the tap fee for a 2" line is \$6500, you cannot have a fee greater than the direct cost which is from \$3000 - \$3500. If the tap is larger than 2" there is no tap fee it is at the owners' expense. Administrator O'Dell to bring back an ordinance revision.
- b. Administrator O'Dell will look into the loader issue and the culvert problem.
- c. Old Water Tower- No new information

Grants:

Rails to Trails Grant- The City received the notice to proceed on the first section. A meeting next week with the Mayor, Administrator, Marsha Corbin and committee to start developing the RFP's, there will be 2 proposals – one for the trail and one for the restrooms and finalize the design. A walking entrance in the area of Travis Bridge is part of the first section.

TAP Grant- We are in the process of obtaining easements.

Items from Prior Council: none**Council Concerns/Comments:**

Parris- At the H&W meeting it was asked where the Food Pantry van was – it is to be available to other agencies. There was to be a log book, it was to be signed out at City Hall and kept at the City Hall parking lot. The van is registered to Food Pantry. Invite Leta Grom to an H&W meeting. Meals on Wheels, Senior Center, HCC and others could have been using it.

Pohle- Asked about committee minutes and if they are sent to City Hall. The Clerk stated that Tourism, Historic Preservation are getting minutes turned in – P&Z does not do well. Copies of those minutes are put in council packets.

Mayor's Comments:

- a. Ussery Drive Cats- There is a difference of opinion on what is required between the City Building Inspector and the owner of the home. Our attorney and their attorney are to be working on an agreement. There will be a hearing set around the end of June.
- b. Bill Wrisinger- Bill owns the local Sonic. His mother passed away and as a thank you he gave gift cards to city employees.
- c. Heng Feng supplied the City with 100 face masks that are being given out to citizens.

- d. Health Care Collaborative- Doing corona testing every Wednesday from noon – 8:00 pm, they have 1000 test kits until gone.
- e. Lafayette County has the Small Business Relief program for businesses that have been negatively affected by the virus. Money from the State has been allocated down to the counties. Applications have been taken to businesses or they can be picked up at City Hall.

No Executive Session

Motion by Parris seconded by Terry to adjourn. Motion carried. Council adjourned at 8:40 pm.

Carla Ghisalberti
City Clerk
05/12/2020

Joseph M. Aull
Mayor

Upcoming Events

- Council Meeting Dates- May 26, 2020 and June 9, 2020 at 7:00 pm.
- Moose Lodge Bingo- Every Friday night at 6:00 pm.
- Budget Committee- June 8, 2020 at 8:30 am.
- General Election- June 2, 2020.
- MML Elected Official Training- August 6-7, 2020 in Columbia
- MML 86th Annual Conference- September 13-16, 2020 in Kansas City