

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, June 9, 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, Rodney Wolken, Earl Parris, Jim Pohle and Scott Lynn. Absent: Carolyn Houseworth and Frank Ashinhurst. Also present: Carla Ghisalberti, City Clerk and Mark O'Dell, City Administrator. Whereupon the Mayor declared a quorum present.

The Mayor added #7 FF/EMT appointment to Consent Agenda Items, added #9A Fair Board to Discussion Items and #4A Utility Bills to New Business. Motion by Parris seconded by Lynn to approve the agenda as amended. Motion carried.

#### **Citizen's Participation:**

Frank Ashinhurst is home doing well, he has a doctors appointment tomorrow but has not been released from his doctor yet.

#### **New Employee Introductions & Recognitions:**

Joshua Morgan, FF/EMT was presented as a new full-time employee to take the place of Glenn Wyse. Written tests, interviews and physical agility tests were given and Morgan scored first. Morgan will work 40 hrs. the first 2 weeks starting June 15<sup>th</sup>. He looks forward to working for the City and the department.

#### **Consent Agenda Items:**

1. To approve the minutes of the Regular Meeting on May 26, 2020.
2. To approve the resignation of Ryan Graff from the Park Board.
3. To approve the appointment Joshua Morgan as a full-time FF/EMT effective June 15<sup>th</sup>.

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

#### **Financial Items:**

Approve the financial reports for May 2020: City Collector's Report - \$575,448.55, City Treasurer's Report - \$5,715,897.84 and Municipal Court Fine Report - \$288.00. Motion by Parris seconded by Pohle to approve the monthly financial reports for May as presented. Motion carried.

Approve the payment of the bills:

General Fund	May 13-31, 2020	\$259,260.57	Council approval required for \$87,672.53 for checks written on 6/09/2020.
	June 1-9, 2020	<u>\$142,591.92</u>	
		\$401,852.49	
Sewer Fund	May 13-31, 2020	\$147,722.21	Council approval required for \$15,179.88 for checks written on 6/09/2020.
	June 1-9, 2020	<u>\$ 22,576.45</u>	
		\$170,298.66	
Water Fund	May 13-31, 2020	\$ 12,550.61	Council approval required for \$12,389.17 for check written on 6/09/2020.
	June 1-9, 2020	<u>\$ 26,576.45</u>	
		\$ 38,583.45	

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

#### **Discussion Items:**

Community Fair: At the May 12<sup>th</sup> council meeting, council tentatively approved proceeding with the fair with social distancing guidelines. Odessa, Mayview and Wellington are proceeding with their fairs. The fair has been under the City for 12 years. The events will be scaled down and they will be keeping the larger events, one each night. The concrete pad for the gazebo has been poured and finished gazebo will be dedicated fair week. The carnival, Shriners, beer garden all will

continue – they will be adding 8-10 washing stations. The beer garden was not as successful as last year due others selling beer. The beer wagon will be set up from 10 am to 5 pm and they will sell wine this year. This year the beer garden will be on Main and Franklin between 13<sup>th</sup> & 9<sup>th</sup> with open containers on Saturday. They will sell clear 20 oz. cups with \$1.00 going to the fair board, they will be offering other businesses the option to sell the same cup. They will be renting gators and other vehicles from AG Power for the Police. There will be signage for the beer garden boundaries. The insurance for the beer garden is \$300 per night. The car show will be on Franklin. Pohle asked if complaints are received concerning the type of music played, maybe with the band expense consider a DJ. There is a contract with the carnival that does have an out clause. The carnival gives the fair a percentage vs the fair having to pay them a flat fee. The carnival group is not eligible for stimulus money because they do not have employees on January 1<sup>st</sup>. Motion by Lynn seconded by Sims to approve the open container beer garden from 10 am – 5 pm on Main and Franklin between 9<sup>th</sup> and 13<sup>th</sup> Street on Saturday, August 22, 2020. Motion carried.

Community Dumpster: The dumpster will be funded out of the Street city-wide cleanup budget which is \$4,000. The dumpster will be available from 7 am – 3:30 pm Monday-Friday and the 2<sup>nd</sup> Saturday of the month and unmanned. The \$1.00 trash bag stickers and the 1 large curbside item will remain. Residents would sign an agreement stating they are a resident and that it is for personal use. The metal stock pile will remain, that is used to purchase tools and small equipment. The permits will be sold at City Hall for \$25.00, \$50.00 or \$75.00 for each load based on the size of the vehicle/load. There will be signage listing rules/regulations and a camera. This will help those residents that have nuisance issues. BI Petray will try to negotiate the cost of the dumpster with AAA. During the city wide cleanup 19 trash dumpsters at \$325 each were used. Pohle thought this was a free service so the resident would pay for this and their monthly trash bill. Parris stated that this is a service over and above normal services. Wolken asked if the monies would go into the Street Budget. The fee charged for the trash dumping will offset the line item in the Street budget. Funds would need to be added to the Street budget. BI Petray recommends keeping the fee structure as is and Deb Bagley commented on the possible usage by landlords. Motion by Terry seconded by Sims to approve moving \$6,000 from City Hall land (#127) budget to Street city-wide cleanup budget (#392). Motion carried. Motion by Parris seconded by Lynn to approve placing the dumpster at the Public Works building and using a fee schedule of \$25, \$50 and \$75 based on vehicle/load. Motion carried. 4-2 Pohle, Terry

Fire Prevention: This ordinance changes the use of the International Codes from 2009 to 2018 to coincide with the 2018 International Building Codes. It also adds a statement that there will be an annual inspection prior to the issuance of a business license. Sims presented Ordinance No. 2020-23 AN ORDINANCE AMENDING CHAPTER 9 “FIRE PREVENTION”, ARTICLE 1, SECTION 9-1 AND SECTION 9-1.4 OF THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON, MISSOURI. 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 Lynn to place the ordinance on its final passage. Motion failed. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Wolken, Parris, Pohle and Lynn. Nay: none. Absent: Houseworth and Ashinhurst. Whereupon the Mayor declared the ordinance duly passed.

Destroyed Records: The City Clerk and City Treasurer worked multiple day recording and destroying old records. The records destroyed were done in compliance with the Local Records Retention Schedule. The list consists of the date, retention code, description of the record, the time frame of the record, the destruction type (landfill or shred) and the date of destruction. The records shredded were done by an outside certified source. The records included daily cash spreadsheets, property tax receipts, utility bill stubs, paid invoices, insurance policy records, purchase order books, check stubs, meter books, receipt books, work orders and applications. Some of the records go back to the 1940’s.

General Election: The election was moved from April 7<sup>th</sup> due to the Covid-19 to June 2<sup>nd</sup>. First Ward-Donna Sims, Second Ward- LaDonna Scott, Third Ward-Earl Parris and Fourth Ward-Scott Lynn. Motion by Parris seconded by Lynn to read the resolution. Motion carried. Sims presented Resolution No. R-2020-05 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, JUNE 2, 2020, 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 Parris seconded by Lynn to approve the resolution as presented. Motion carried.

**Items from Prior Council:** none.

#### **Reports:**

#### **Committee Reports:**

Administration- Next meeting June 23, 2020 at 6:00 pm.

Municipal Services- Next meeting July 14, 2020 at 6:00 pm.

**Liaisons:** no reports.

**Grants:** no report.

**Department Heads:** Written reports submitted.

Fire- Chief Weber informed council that Engine 1 is needing brake repair, they had to replace some of the straps on the air masks, Covid supplies are in good shape and the new ambulance billing goes into effect July 1<sup>st</sup>. The department has been transporting Covid patients but are wearing all of the protective gear and employees have been tested all are good. The air masks need replacement - 13 x \$250.00 each. Currently budgeted is \$17,000 (#194) for air bags and SCBA testing. Josh Morgan, FF/EMT will need bunker gear \$1600. Chief Weber would like to use money from this line item to purchase air masks and a set of bunker gear for the new FF/EMT. Parris asked if there would be a test run with the new billing company – Chief Weber stated that we are currently using the same software. Motion by Parris seconded by Terry to approve the purchase of the air masks and the bunker for a total of \$4850 and to use R/M Equipment line item #194. Motion carried.

Street- Supervisor Smith informed council that they have been working on storm cleanup, working on drainage issues and filling pot holes. The 20<sup>th</sup> Street resurfacing project by the Transportation Board will be to resurface from the railroad to Busn 13- Metro Asphalt has come out to give a bid. Supervisor Smith was asked about cleaning up some of the loose gravel and sand – there is no set schedule for the street sweeper just when it can be worked into the schedule. The tandem truck blew out a tire, damaged the wiring – nothing has been done with the 2 new trucks coming. This truck will be auctioned off after the new arrive. The 2 new trucks should be delivered by early fall. The loader repair – still waiting on the individual to come by.

Water- Supervisor Clifford told council that there are no issues, State reports have been submitted, there is no flooding threat at this time, Basins 1 & 2 to be cleaned the end of July, testing the new drive-by meter reading system tomorrow, a new hydrant was placed at Edward Jones due to an accident, doing web meetings for certification training purposes and Friday there will be a meeting on the old water tower. The river level is 14' and flood stage is 17'.

Sewer- Supervisor Clifford told council that there are no issues, there are 15 lift stations and 3 have issues, working on STEP systems, working on the clarifier, working on the line in garage and they have ran 2 million gallons per day in the last 2 weeks due to the rains.

Police- Chief Sims has been doing orientations on the Lexipol policy manuals, will be working with a project manager to develop the policies and the officers review and be tested, any questions regarding the Police policies/procedures contact the Chief, every Officer treats everyone with respect-once someone is cuffed they are not touched, they will be doing more community policing and he has started a 1-day class Citizens Academy to show them how the department operates. A lot of the departments are going to a tactical uniform but ours are more professional. Working on Peace Officer Training (POST) training-a lot of it deals with racial profiling and de-escalation and Crisis Intervention Training (CIT) deals a lot with mental individuals which is 28% of their calls.

Bldg. Insp.- BI Petray informed council that he had web training on May 29<sup>th</sup>, a hearing has been set for June 17<sup>th</sup> on the 58 Ussery property –there is a tentative agreement, the back of the Peddler building imploded-it was filled with 3'-4' of sand under the concrete, Simonetti (Dave's Café) front portion of the roof collapsed- the walls are stable and the demo of the 2 trailers are completed. A structural engineer would have to say the Simonetti building is unrepairable to get it demolished – he says that it is repairable. If the property owner wants to rehab then there will be a time frame. The Engineer said the roof needs to be back on before winter so there is no further damage to the building. Pohle asked about the safety fencing at the trailer demolition sites. BI Petray stated that one of the contractors chose to put up fencing and if the demolition is done in one day then a fence is not needed. Pohle stated that there was sharp steel sticking up on 23<sup>rd</sup> Terrace over Memorial weekend.

Council recessed to swear in the Newly Elected Officials

City Clerk Swore in the Newly Elected Officials

The Mayor reconvened and called the meeting to order and roll being called, the following members of the council answered as follows: Present: Donna Sims, Steve Terry, LaDonna Scott, Rodney Wolken, Earl Parris, Jim Pohle and Scott Lynn. Absent: Frank Ashinhurst. Also present: Carla Ghisalberty, City Clerk and Mark O'Dell, City Administrator. Whereupon the Mayor declared a quorum present.

Mayor Pro-tem: Motion by Parris seconded by Wolken to nominate Scott Lynn as the Mayor Pro-tem for 1 year. Motion carried. Motion by Parris seconded by Wolken to cease nominations. Motion carried.

City Clerk, Treasurer, Collector: City Clerk Carla Ghisalberti, City Treasurer Janelle Neece and City Collector Peggy Ruehter. Motion by Lynn seconded by Parris to approve the appointments of the City Clerk, Treasurer and Collector for a term of 2 years as presented. Motion carried.

Utility Bills: There are 30 individuals that are 90 days past due and cutoff date is June 10<sup>th</sup>. Mayor Aull submitted a list of possible payment plan options. Council agreed at a prior meeting to start disconnecting water service for those that are more than 30 days past due. Under Section 28-92 the Utility Board has the responsibility of adjusting the amount a customer would pay under certain circumstances. During the Covid-19 pandemic the council had agreed to not disconnect for non-payment so there are a large number of residents that have not paid. Under Option 1 anytime a bill is more than 30 days delinquent just disconnect water service. Under Option 2 if a resident is more than 30 days delinquent they can request a meeting with the Utility Board to work out a payment plan. Under Option 3 if a resident is more than 30 days delinquent they may request to meet with the Municipal Services committee to work out a payment plan. Under Option 4 if a resident is more than 30 days delinquent they may meet with both the Mayor and Administrator to work out a payment plan. This option would allow for more privacy for the individual. Water District #2 currently has a plan that if under \$600 they have 3 months to pay and if over \$600 then they have 6 months but must keep current bill paid. Some customers in District #2 are Lexington citizens. Develop a set of guidelines, the resident can only request a payment plan 1 time per year, if a payment is missed then the payment plan is voided, make sure the landlords know of the delinquencies and the resident to pay the current bill plus the agreement amount. A monthly report will be given to council. Bill Flanigan stated that he thought there is an ordinance in place to allow the Utility Board to set payment plans. If the amount is less than \$500.00 then they have 3 months to pay the bill and if it is greater than \$500.00 then it will be 12 equal payments and the current bill must be paid in full. The ordinance book does not have the updated pages but it is updated on the website. The Mayor will contact the 30 individuals prior to shut-off's. Property owners are receiving monthly statements of their renter's bill and/or delinquencies. Guidelines to be approved at next council meeting. Motion by Lynn seconded by Pohle to allow a payment plan under Option 4, to stay within the guidelines of the ordinance and to only allow a payment plan one time per year. Motion carried. Motion by Sims to push back the disconnection for one week.

#### **City Administrator Report:**

- a. **Pit Toilets-** The pit toilets for the marina (Riverfront Park) restrooms have been installed with some modifications. The restrooms are to be maintained by the Sewer Department, Street Department is to maintain the roads and Park is to mow and provide toilet paper.
- b. **Social Media-** Administrator O'Dell to develop a policy for social media due to some of the employees making Facebook posts about their department.
- c. **Committee Roles-** Administrator O'Dell will bring a legal opinion explaining the roles, duties and responsibilities.
- d. **Trash Service-** Administrator O'Dell submitted a letter to AAA Disposal regarding recycle materials being put into trash trucks. AAA Disposal had employees out due to Covid. Also requested a quarterly report on the recycle materials.
- e. **Jobe's 66-** A concern was mentioned regarding the tires placed along the fence next to the church and it being an eye-sore. Ken Jobe is having trouble getting someone to come get the tires. If it looks like the fence could collapse then the tires will have to be moved. This is a health and fire hazard.
- f. **Street Loader-** Cannot find someone to work on it. There is an individual that has the skill to work on the loader but has had some legal issues.

#### **Council Concerns/Comments:**

Pohle- Asked if a meeting had been set up with the owner of MEMS to discuss the contract- not yet.

Parris- The budget committee met on June 8<sup>th</sup>, there were no concerns at this time. A meeting was set for September 16<sup>th</sup>. Administrator O'Dell would like to meet monthly, next meeting July 8<sup>th</sup> at 8:30 am.

Terry- Would like the residents to know that there is a dog leash law and the leash cannot be more than 4' long. There have been some incidents recently at the High School, city parks and the Battlefield. Get this out on social media and on the website.

Sims- Asked that council be made aware an any new businesses that open. There is a new coffee shop, a new nail salon, home décor shop and maybe a health food shop.

**Mayor's Comments:**

- a. **Committee List-** The Mayor gave council members the list of committees and asked them to select up to 3 they would like to serve on for a year.
- b. **Fireworks Display-** Council agreed to allowing the fireworks display to continue as scheduled on July 3<sup>rd</sup>.
- c. **Street Lights-** The lights at 19<sup>th</sup> & Franklin and 18<sup>th</sup> & South are being looked at by Steve Repphun. Everygy has been trying to get them fixed.
- d. **Wentworth-** The new owners have requested that their name not be mentioned until the closing. It will be a performing arts school, they are highly accredited, they have 2 other locations and will keep the spirit of WMA alive. The Mayor asked council to try and quail rumors. The closing to be between June 18-30.

No Executive Session

Motion by Parris seconded by Scott to adjourn. Motion carried. Council adjourned at 9:40 pm.

Carla Ghisalberti  
City Clerk  
06/09/2020

Joseph M. Aull  
Mayor

**Upcoming Events**

- Council Meeting Dates- June 23, 2020 and July 14, 2020 at 7:00 pm.
- Moose Lodge Bingo- Every Friday night at 6:00 pm.
- Budget Committee- June 8, 2020 at 8:30 am.
- Pool Opens- June 15, 2020.
- Lauber Law Training- July 31, 2020 in Independence
- MML Elected Official Training- August 6-7, 2020 in Columbia
- MML 86<sup>th</sup> Annual Conference- September 13-16, 2020 in Kansas City