

The pledge was presented and Earl Parris 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 23, 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, LaDonna Scott, Rodney Wolken, Frank Ashinhurst, Earl Parris, Jim Pohle and Scott Lynn. Absent: none. Also present: Carla Ghisalberti, City Clerk and Mark O'Dell, City Administrator. Whereupon the Mayor declared a quorum present.

The Mayor added #4a Special Presentation to Recognitions. Motion by Parris seconded by Sims to approve the agenda as amended. Motion carried.

**Citizen's Participation:**

Bob Levy, 330 N. 17<sup>th</sup>- Had a concern with the lighting at College Park with the new basketball courts. The Park Board has decided to reduce the wattage and remove 1 light from each pole so that it doesn't shine into his house. He stated that they did a great job on the project, congratulated them on the grant and this is great for the kids. Mayor Aull stated that Levy had been selected as the Captain of the US National Weight Lifting Team for the World Games and Steve Terry will also be participating in the World Games.

**New Employee Introductions & Recognitions:**

Robert Hollingsworth, Water Plant/Distribution- Hollingsworth has been approved as the new full-time water plant and distribution employee. Hollingsworth has been with the department for about 30 days and has learned how to open and close the plant. Hollingsworth had also worked part-time at the animal shelter.

Carolyn Houseworth- The Mayor presented Houseworth with a plaque thanking her for her dedication and commitment to the City for serving 5 years on the council. Charlie and Carolyn both retired from the school district.

**Consent Agenda Items:**

1. To approve the minutes of the Regular Meeting on June 9, 2020.
2. To approve the appointment of Cynthia Millentree to the Park Board with a term to expire 5/31/2022.
3. To approve the re-appointment John Giorza to the Transportation Board with a term to expire 6/22/2023.

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

**Financial Items:** none.

**Discussion Items:**

Outdoor Dining: Amie Eaton is requesting permission to place 3 tables on the sidewalk in front of Old Town. With tables in front of the building there is still 6' of sidewalk access and the doors will not be blocked. In the past The Heist had been allowed to block off parking spaces for special events. The Heist, Spotted Pig, Las Carretas, Sonic and McDonalds all have outdoor dining available. This would be temporary through the fall due to Covid-19. Eaton looked at the side of the building in their parking lot as a possibility but there are no visual capabilities. Chief Sims suggested that Eaton contact Liquor Control to make sure there are no issues. Ashinhurst thought they might need a special permit to allow for outdoor drinking. Motion by Sims seconded by Lynn to approve outdoor dining at Old Town provided that all liquor control requirements are followed. Motion carried.

Porches & Peaches: The Lexington Auditorium Association is requesting permission to block off the parking spaces in front and on the south side of the auditorium for a farmer's market. The event is July 18<sup>th</sup> from 7:00 am to 5:00 pm. Motion by Parris seconded by Ashinhurst to approve blocking off the parking spaces as presented on July 18<sup>th</sup>. Motion carried.

Hospital Board Annual Report: Jim Kenney gave the annual report. The lease was signed in 2016 with HCA but retroactive back to 2015. The last 4 months of Covid-19 has put a hold on lab tests, there has been no elective surgeries and no

outpatient services being provided at LRHC. As part of the lease HCA had to put \$9.2 million back into the hospital. In April the hospital did not make budget. They added an imaging center, 3D mammogram machine, added an infusion room and the lab can now mix chemo medications. The Board purchased the land from College Park for the construction of the retaining wall and the Russell Majors Waddell sign was restored and installed at the hospital entrance. Future plans include redoing the cafeteria/dining area, work with the Battlefield Foundation to install a 5-rail fence on the north end parking lot to connect with the Battlefield fence and once the tree is removed in front the Medical Clinic install a new sidewalk. In the settlement agreement of 2018 the land was to be purchased, the restrooms are being rehabbed and the 16<sup>th</sup> Street curbing project has been bid twice. There is limestone curbing on 16<sup>th</sup> that HPC would like to have. HCA annually donates \$50,000 to the Health & Wellness Board which is to be used on health related projects – to date \$380,000 has been donated. As part of the donation the recipient of the funds are to acknowledge HCA which could be by signage, newspaper or some sort of logo ongoing. There are some projects that cannot meet the continual recognition requirement. Kenney suggested a liaison from the Hospital Board be on the H & W Board to ensure the spirit of the money is being used for the intent. Parris stated that the project is approved by the H&W Board and Darrel Box, CEO of LRHC before it comes to council. Terry stated that H&W should follow up to make sure all requirements are met. Mayor Aull stated that at the last Hospital Board meeting a question came up about the \$38,000 to the Park Board – the entire \$38,000 was used for the basketball project as stated in the application with an additional \$5,000 from the Park Board. Connie Pohle stated that the restroom repairs are being funded from Capital Improvements. LRHC had 61 months in a row in the black financially.

City of Higginsville-Gun Range: Chief Sims is requesting an annual contract with the City of Higginsville for use of the gun range. The annual cost is \$500 per year; it is used twice a year for POST certifications. POST requires 4 hours of range training. There are 11 officers from our department and our department will provide Jubilee (WMA) with some training on active shooters. Broken down it will be \$250 each time it is used divided by the number of officers is \$20. This agreement was approved by Administration Committee. Sims presented Ordinance No. 2020-24 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF LEXINGTON AND THE CITY OF HIGGINSVILLE FOR USE OF THE GUN RANGE. 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 Sims to place the ordinance on its final passage. Motion failed. ROLL CALL VOTE was answered as follows: Aye: Sims, Terry, Scott, Wolken, Ashinhurst, Parris, Pohle and Lynn. Nay: none. Absent: none. Whereupon the Mayor declared the ordinance duly passed.

Bluebird Network: Bluebird is requesting permission to construct 262’ of new fiber optic along the north side of Roncelli Road which is city right of way. They will then turn north onto private property to serve 2 Healthcare Collaborative offices at 811A S. Busn. Hwy 13 (behind the 4 Life Center). The Healthcare Collaborative is taking over the Samuel Rodgers Clinic. Motion by Parris seconded by Ashinhurst to approve the installation of fiber optic on Roncelli Road in city right of way. Motion carried.

Lexington R-5 K-9 Contract: This ordinance amends the current K-9 contract with the School Resource Officer to add the K-9 and set the K-9 policy. If the dogs hits on something then that gives police probable cause to search or if requested by the school administration. The dog will be used 80% as comfort and the dog will be owned by the City. The dog has been added to the city general liability policy. There is no additional cost due to this being a more common thing – the City is covered at \$4 million. Parris had concerns with #5 of the addendum where the City would be responsible for any judgements and attorney fees. This contract to go before Attorney Cover for review. Sims presented Ordinance No. 2020-25 AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF LEXINGTON AND THE LEXINGTON R-V SCHOOL DISTRICT. 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 Scott to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Wolken seconded by Lynn to place the ordinance on its final passage. Motion by Wolken seconded by Lynn to withdraw their motion to allow for attorney review. Final reading to be done at the July 14<sup>th</sup> council meeting.

Delinquent Utility Bills: This ordinance amendment authorizes the City Administrator and Mayor to make payment plans with customers on delinquent accounts. The customer would be required to pay the current monthly bill plus the amount from the payment agreement. If a payment is missed the plan is voided. If a customer has a bill less than \$501 a payment plan will be for 3 months and if greater than \$501 then 12 months. Currently there have been some disconnections, there have been calls to customers and the customers have been personally contacted. Some customers have been in and started payment plans. Landlords receive a monthly statement of their renter balances. In some cases water leaks or other issues may cause the bill to be over \$501. Sims presented Ordinance No. 2020-25 AN ORDINANCE AMENDING CHAPTER 28, “WATER AND SEWERS” OF THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON, MISSOURI. Motion by Parris seconded by Scott to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Parris

seconded by Scott 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: Pohle, Parris, Ashinhurst, Wolken, Scott, Terry, Sims and Lynn. Nay: none. Absent: none. Whereupon the Mayor declared the ordinance duly passed.

Planning & Zoning Procedures: Administrator O'Dell handed out the MML Planning & Zoning Procedures manual. Nathan with Lauber Law will give a complete overview of the procedures/rules/responsibilities for P&Z and Board of Zoning Adjustments. The BZA is currently not active due to all members terms being expired. A decision from BZA is a final decision but can be appealed to Circuit Court. Administrator O'Dell would like to set up a meeting with council, P&Z and BZA, at attorney normal hourly rate. The Mayor to make the appointments before the training meeting.

Social Media Policy: Currently in the Policy Manual there is a policy for emails but nothing for Facebook and the website. The following are not permitted: profane language, illegal conduct, sexual content, content that promotes discrimination, solicitations of commerce and information that may compromise the safety of the public. Information on social media is subject to public disclosure and its content is a public record and cannot be deleted. This policy would give the City the right to remove information/comments. Employees on their personal social media are prohibited from: posting discriminatory remarks, harassment, threats of violence, posts that can be viewed malicious, obscene or intimidating, cannot divulge private City information and cannot be used to speak on City behalf. Employees will be required to read the policy and sign off. This will be added to the City Policy Manual. There were questions regarding if an employee will not sign. The employee is only acknowledging receipt of the policy not that they agree with it. Employees can only be on Facebook at break times. Motion by Ashinhurst seconded by Pohle to approve the social media policy as presented. Motion carried.

#### **Reports:**

##### **Committee Reports:**

Administration- Met on June 23, 2020 and discussed: 1) **Gun Range Agreement-** Committee approved the agreement at \$500 annually. 2) **20<sup>th</sup> Street Asphalt Bids-** The asphalt project is from Busn. 13 Hwy to the railroad bed. Requests for bids were sent out twice with Metro Asphalt bidding \$72,610.50 - \$75,000 were projected. Motion by Parris seconded by Sims to approve the bid from Metro Asphalt. Motion carried. 3) **City Hall Rehab Bid-** Requests for bids were sent out twice with 2 bids received: Mick's - \$15,000 and Mackenzie - \$10,000. The City Hall building is in need of exterior work - \$15,000 budgeted. Motion by Parris seconded by Ashinhurst to approve the \$10,000 bid from Mackenzie for the City Hall rehab. Motion carried. 4) **Water Meter Reader-** Currently it takes 5-7 days to read the meters. With the mobile data collector the meter readings can be done in 1 day with a lot fewer re-reads. In the current water budget there is \$20,000 in Capital Outlay which is for a portion of the backhoe annual payment. Motion by Terry seconded by Sims to move \$13,240 from water savings (#859) to Capital Outlay (#827). Motion carried. Motion by Parris seconded by Lynn to approve the purchase of the Neptune mobile data collector for \$13,240 from Schulte. Motion carried. Next meeting July 28, 2020 at 6:00 pm.

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

**Liaisons:** no reports.

**Department Heads:** Written reports submitted.

Street- Supervisor Smith informed council that they are working on drainage problems and doing daily maintenance. MoDot has resurveyed John Shea Drive and found a second slide on the west side. After the storm on Monday hopefully some of the drains will be cleaned on Thursday. Dennis Pence is home doing well, he is up and walking and should return to work in September. The part-time floater position has not been filled.

Police- Chief Sims informed council that the K-9 has been spade and they have been working with Lexipol on the policies. This will be time consuming. The Mayor will have a formal evaluation of Chief Sims at the July 14<sup>th</sup> meeting.

Bldg. Inspector- The dumpster permits are being developed and printed- there have been no complaints on the cost, the demolition at 2504 Main is completed and he received the structural engineer report for 1801 Franklin- the cost to shore it up is \$12,000 for materials. The roof needs to be on before winter to prevent more damage, 18<sup>th</sup> Street will remain closed. This property is in a historic district and requires a structural engineer to say it is not repairable – he is not saying that.

Fire- Chief Weber had informed council that Engine 1 needed brake repair but it was a brake valve line sticking and there is still 80% of the brakes that are good, repairing some the ac units in the ambulances, the new ambulance should be here in

mid-July then sent for the chassis install and back by October, there have been no new Covid cases for a week and HCC is still testing.

Water/Sewer- Supervisor Clifford informed council that there were some power outages at the lift stations, they worked on the pipe in the garage and they worked on a water leak last Thursday.

ACO- ACO Brown informed council that an AC unit was installed at the pound, showed an informational handout regarding dog license, of the 72 Schwab cats there are 8 left, there are 2 dogs and 20 cats currently in the shelter, Friends of Friendless will help trap cats and spade/neuter will be paid by FOF. There have been numerous sightings of foxes in town; however Mo. Dept. of Conservation will not remove them. There have been issues with dog owners not having their dogs on leashes – the ordinance states 4’ for a leash or 25’ if the dog will respond to commands. Another issue is that owners do not pick up dog droppings on public property. Look at the animal ordinances. Working on a design for a new shelter, haven’t determined a location and there may be some FEMA reimbursement monies.

Park- Connie Pohle stated that the pool lost \$400 in labor costs, electricity is being installed at College Park, a new sewer line installed at College Park and the restrooms will remain locked until the electricity is completed.

**Items from Prior Council Meetings:** none.

**City Administrator Report:**

- a. **Pit Toilets-** The restrooms have been cleaned, the new toilets have been installed and the grounds have been mowed at Riverfront Park. They will be removing the cable and posts due to the flood.

**Council Concerns/Comments:**

Parris- Asked about an update on the new water plant. Almost all of the legal paperwork has been completed, once County has completed we can close on the property. The EDA grant application – we have not heard back from the Department of Commerce and then waiting on a response from Washington.

Scott- Simpson talked to her regarding parking issues in front of her business on Main Street. With more new businesses coming what can be done to prevent other business owners from parking in front of her business. Business owners should be parking in the City lots – check on the 2 hr. parking signs.

Ashinhurst- Asked if there was going to be any chip/seal projects this year – he has received complaints about the street condition on 27<sup>th</sup> Street Terrace. None scheduled for this year except 20<sup>th</sup> Street. Supervisor Smith to get to it once the drainage issues has been corrected and the department is short personnel.

**Mayor’s Comments:**

- a. **Committee List-** The Mayor gave council members the list of committee appointments and if they wanted to change let him know.
- b. **New Businesses-** Tropical Sno, Riverside Nutrition, nail salon, a home décor store, HCC took over Samuel Rodgers clinic, insurance office and Lexihill has 30 rooms renovated and will start working on the upstairs rooms – the parking lot is in poor condition. A group of 200 is scheduled to come in July.
- c. **Jubilee (WMA)-** They came in and set up utility services, they have been moving equipment/furniture from the Snooze building and they want to start with 200 students up to 600.

No Executive Session

Motion by Parris seconded by Sims to adjourn. Motion carried. Council adjourned at 9:20 pm.

Carla Ghisalberti  
City Clerk  
06/23/2020

Joseph M. Aull  
Mayor

### **Upcoming Events**

- Council Meeting Dates- July 14, 2020 and July 28, 2020 at 7:00 pm.
- Moose Lodge Bingo- Every Friday night at 6:00 pm.
- July 4<sup>th</sup> Celebration- July 3, 2020 at dusk at Community Park
- City Hall Closed- July 3, 2020
- Budget Committee- July 8, 2020 at 8:30 am.
- Porches & Peaches- July 18, 2020 from 7:00 am – 5:00 pm
- Lauber Law Training- July 31, 2020 in Independence
- MML Elected Official Training- August 6-7, 2020 in Columbia
- Community Fair- August 15-22, 2020.
- MML 86<sup>th</sup> Annual Conference- September 13-16, 2020 in Kansas City