

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, January 11, 2022 with Mayor Pro-tem Parris presiding.

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, Chandra Carey, LaDonna Scott, Rodney Wolken, John Harden, Earl Parris and Scott Lynn. Absent: none. Also present: Carla Ghisalberti, City Clerk, Mark O'Dell, City Administrator and City Attorney, Jeremy Cover. Whereupon the Mayor Pro-tem declared a quorum present.

The Mayor Pro-tem added #8 Resignation to Consent Items, added #10A Burn Request and #19 Change Order to Discussion Items. Motion by Sims seconded by Lynn to approve the agenda as amended. Motion carried.

Citizen's Participation:

Joe Aull- Thanked everyone for doing a great job and for their support while he was Mayor. Joe has taken a job with FSA to help in the farm service. Joe was nominated to this position and had stated that he would like to stay on as Mayor. The first part of December he was notified of the appointment by the President, and then about a week before Christmas he was notified that he could not stay on as Mayor due to a conflict of interest. Joe stated that there are a lot of good things going on in the City right now. Joe appreciated the Council leadership.

New Employee Introductions & Recognitions: none.

Consent Agenda Items:

1. Approve the minutes of the Regular Meeting on December 14, 2021 and Special Meeting on January 4, 2022.
2. Approve the appointment of Bob Levy, Lynda Johnson, Sean Kaullen, Mark Ritter and Darrel Box to the Health & Wellness Committee.
3. Approve the appointment of Brian Breesaw to the Historic Preservation Commission with a term to expire 3/31/2024.
4. Approve the resignation of Chuck Smith, Street Supervisor effective 1/24/2022.

Motion by Lynn seconded by Sims to approve the consent agenda item as presented. Motion carried.

Financial Items:

Approve Financial Reports for December 2021: City Collector's Report - \$604,142.26, City Treasurer's Report - \$12,827,180.05 and Municipal Court Fine Report - \$3,582.88. Motion by Wolken seconded by Lynn to approve the financial reports as presented. Motion carried.

Approve the payment of the bills:

General Fund	Dec. 15-31, 2021	\$178,422.66	Council approval required for \$78,829.88 for checks written on 1/11/2022
	Jan. 1-11, 2022	<u>\$105,306.66</u>	
		\$283,729.32	
Sewer Fund	Dec. 15-31, 2021	\$ 13,101.92	Council approval required for \$12,009.86 for checks written on 1/11/2022
	Jan. 1-11, 2022	<u>\$ 14,410.90</u>	
		\$ 27,512.82	
Water Fund	Dec. 15-31, 2021	\$213,950.32	Council approval required for \$25,565.05 for checks written on 1/11/2022
	Jan. 1-11, 2022	<u>\$ 29,543.33</u>	
		\$243,493.65	

Motion by Carey seconded by Scott to approve the payment of the bills as presented. Motion carried.

Discussion Items:

Mark Webb-Burn Permit Request: Mark Webb has purchased the property at about 26th & Main across from the Thompson Storage Units. Webb is requesting a burn permit for brush in a pile in the middle of the lot that has been cleaned up on the lot. The pile to be 20'-30' long x 10' wide x 6'-8' high – the lot size is 1.5 acres. Capt. Daniel Bland stated that the Fire Department could be on standby and Rick Thomas stated that he has the property next to this lot and could have hoses available also. Chief Weber did not see a problem but could not approve the permit due to the size of the burn. Capt. Bland stated that he would need to see the site prior to burning, but did not see a problem at this time. Motion by Sims seconded by Lynn to approve the burn permit pending Fire Department approval of site inspection and approval of the date/time of the burn. Motion carried.

Board of Adjustment Ordinance: This ordinance changes the number of members on the Board by removing the P&Z Commission member. The ordinance also removes the 7 day public notice and adds “consistent with Chapter 610, RSMo. By statutes Chapter 89 the Board should only have 5 members and no overlap between P&Z. P&Z is a legislative body and BOA is a quasi-Judicial body. Attorney Cover stated that it is inconsistent to have a recommendation P&Z Commission on a Judicial Board. To have a check and balance on each other you cannot have the same people on both P&Z & BOA. P&Z is part of a legislative process so a council member can be on P&Z as a voting member. Flanigan asked if 4 votes were required to pass or fail an issue-Cover thought it would be 3. Appeals from Board of Adjustments go to Circuit Court. Sims presented Ordinance No. 2022-01 AN ORDINANCE OF THE CITY OF LEXINGTON, MISSOURI, REVISING CITY CODE CHAPTER 29, ARTICLE VII, RELATED TO THE BOARD OF ADJUSTMENT. Motion by Lynn seconded by Scott to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Wolken seconded by Carey to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Carey seconded by Scott to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Carey, Scott, Wolken, Harden, Parris and Lynn. Nay: none. Absent: none. Whereupon the Mayor Pro-tem declared the ordinance duly passed.

Zoning Administrator Ordinance: This ordinance changes the appointment from the Mayor to the City Administrator and removes that the position is considered as staff for P&Z. Under a Mayor – City Administrator form of government the Administrator would have fundamental ability to appoint certain positions. However, if certain positions are normally appointed and approved by council then the City can proceed with that same procedure. The Zoning Administrator would be an employee of the City and could hold another job within the City. Bill Flanigan stated that under Section 29-1 it says that Chapter 29 shall be a part of the Comprehensive City Plan so anything dealing with P&Z should go before P&Z before it is changed. The Zoning Administrator would compliment the Building Official. Typically a position is not part of the Comprehensive Plan but all of Chapter 29 is part of the Comprehensive Plan. Danner, P&Z Chairman stated that this should go before P&Z before coming to council – Cover stated this position is an employee not P&Z staff. This position may need to be moved out of Chapter 29. Sims presented Ordinance No. 2022-02 AN ORDINANCE OF THE CITY OF LEXINGTON, MISSOURI REVISING CITY CODE CHAPTER 29, ARTICLE IX, RELATED TO THE ZONING ADMINISTRATOR. Motion by Lynn seconded by Carey to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Carey seconded by Lynn to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Harden seconded by Carey to place the ordinance on it's final passage. Motion by Harden seconded by Carey to rescind the motion for final passage. Motion carried. Motion by Carey seconded by Scott to postpone this ordinance. Motion carried.

Fire Prevention & Protection Ordinance: This ordinance changes an appeal from going to P&Z to Board of Adjustments, it changes a guilty plea to an ordinance violation from a misdemeanor, changes the fine from no more than \$1,000 to \$500 and changes the imprisonment to no more than 90 days from not less than 10 days or more than 60 days. There are 2 reasons to have a Board of Adjustments: 1) hears variances related to P&Z regulations and 2) as an Appeals Board. The City at one time had a Board of Appeals that was not used; that has been removed so now appeals will go to BOA. This can still be appealed to Circuit Court. BOA members include: David Goodloe, Sharon Arnoldi, Al Guintoli, Brad Worthington and Glen Smith. Sims presented Ordinance No. 2022-03 AN ORDINANCE OF THE CITY OF LEXINGTON, MISSOURI REVISING CITY CODE CHAPTER 9, FIRE PREVENTION AND PROTECTION. Motion by Lynn seconded by Harden to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Wolken seconded by Carey to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Lynn seconded by Carey to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Lynn, Parris, Harden, Wolken, Scott, Carey and Sims. Nay: none. Absent: none. Whereupon the Mayor Pro-tem declared the ordinance duly passed.

Earthworks Sidewalk Contract: This resolution authorizes signing the contract for the sidewalk from the Post Office to Trevis Bridge in the amount of \$127,330.48. At the November 23, 2021 council approved extending the sidewalk to the

Baptist Church parking lot. Motion by Lynn seconded by Harden to read the resolution. Motion carried. Sims presented Resolution No. R-2022-01 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT BETWEEN EARTHWORKS AND THE CITY OF LEXINGTON, MISSOURI. Motion by Lynn seconded by Carey to approve the resolution as presented. Motion carried.

General Election Form of Ballot Ordinance: The ordinance sets the form of ballot for the April 5, 2022 General election. Sims presented Ordinance No. 2022-04 AN ORDINANCE FIXING THE POLLING PLACES OF THE GENERAL CITY ELECTION, ALL TO BE HELD IN THE CITY OF LEXINGTON, STATE OF MISSOURI, ON TUESDAY, APRIL 5, 2022 AND PRESCRIBING THE FORM OF BALLOT TO BE USED AT SAID ELECTION. Motion by Wolken seconded by Harden to read the ordinance the first time. Motion carried. Ordinance read the first time. Motion by Scott seconded by Wolken to read the ordinance the second time. Motion carried. Ordinance read the second time. Motion by Carey seconded by Scott to place the ordinance on it's final passage. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Carey, Scott, Wolken, Harden, Parris and Lynn. Nay: none. Absent: none. Whereupon the Mayor Pro-tem declared the ordinance duly passed. Write-in candidates will be accepted by the County until 5:00 pm on March 25th.

Fire Department Continuing Education Policy: Fire Chief Weber has drafted a policy for EMS continuing education training with the City possibly paying for the CEU's. The fire training is still done in house but the EMS training has been discontinued because the CEU's can be done online. There are about 21 employees that we do not pay CEU's for – the cost for CEU's online training is \$109 per person (\$2200). There were over 2,000 EMS calls last years. Of the part-time paramedics about ½ are not paid by the City. Active definition: attend all required trainings, respond to at least 5 calls per month average, utilize your level of training to benefit the department and any reserve or part-time that has a fulltime job with another department will be expected to use that fulltime employer for this type of benefit. Other training opportunities will be evaluated on a case-by-case basis. Online CEU training requests will be evaluated based on previous 6 months of service. Chief Weber stated that any part-time employee that meets the definition would be eligible. As of this date Erika Stockman King is the only person interested in the CEU's. Erika Stockman King would like to be certified as a paramedic trainer. King volunteered to be the EMS instructor for the training. Discuss at budget committee. Continue discussion on sending King to instructor training. Motion by Carey seconded by Scott to approve the continuing education policy as submitted contingent upon budgetary constraints. Motion carried.

Steffens Farms: Steffens submitted a bill for the crop damage in the well field area. Corn damage 1.14 acres \$1448.56 and soybean damage 3 acres \$2055.00 for a total of \$3503.56. Lynn stated that based on current crop prices this is fair. Motion by Sims seconded by Harden to approve the payment of \$3503.56 to Steffens Farms. Motion carried.

Evergy Power Outage: Randall Hansen, EMD gave a written report on the Evergy outage on November 23rd. The Riverbend Nursing Home did not have backup generators at their facility and there were 113 patients. Hansen was contacted by the National Guard, then contact by Riverbend and he told them that we would supply a generator but he would have to supply the electrical. Our generator was used and 2 generators were used from SEMA. The nursing home had to contact an electrical company for proper connections. Each unit at the nursing home had to have a generator and then pigtail from one to the other. Hansen spent 17 hours watching generators. Staff has made numerous attempts to contact the nursing home but no response. Riverbend staff had no idea of their power source.

Recreational Trail Change Order: The large washout near Trevis Bridge required additional 550 CY of rock and reduced the amount of seed, mulch by .75 ac. The MECO engineer was informed that the change order should have been approved prior to the work being completed. The project construction came in under budget so the additional funds will come from there. Motion by Wolken seconded by Sims to approve the change order for Concrete Solutions in the amount of \$12,000. Motion carried.

TAP Sidewalk Grant: The liquidated damages start January 12th at \$700 per day, there have been weeks when the sidewalks could have been installed. Council agreed to proceed with the liquidated damages. The contractor could terminate the contract. Attorney Cover stated the City would then go against the bonding company. The City could essentially terminate the contract ourselves after a period of time.

Committee Reports:

Administration- Next meeting January 25, 2022 at 6:00 pm.

Municipal Services- Met on January 11, 2022 and discussed: 1) **Bicentennial Re-enactment-** Marlin Harrison requested approval for the use of Franklin between 11th & 12th Street for a western re-enactment on June 23rd. Harrison would like to put down dirt on Franklin on Thursday – he has people to clean up the street by Sunday and there will be vendors. Harrison

would also like to use the Franklin Street lots up to the alley. Should it call for rain the dirt will not be used. Channel 41 will be notified of the event. Motion by Lynn seconded by Wolken to approve the request by Harrison for the Bicentennial Re-enactment as presented. Motion carried. 2) **Animal Shelter-** A draft drawing of a 30 x 60 facility was presented. Based on where the building would be located the ground would need to be raised to meet the sewer needs. Terry Eaton will be donating dirt but there will be the cost for hauling, using City trucks it would be about 44 loads. David Goodloe estimated the building at \$200,000. It was recommended that the dirt work be started to allow for time to settle. Motion by Lynn seconded by Wolken to proceed with the dirt work to raise the ground. Motion carried. 3) **125 N. 16th Street-** A letter was received from an individual interested in purchasing the lot owned by the City for \$2,000, she owns and is rehabbing the house next door. No liens could be found against the property. Council requested an appraisal to see what the value would be – tabled. 4) **Downtown Parking-** A resolution from P&Z of their recommendations was given to council. P&Z recommended more signage, enforce the 2-hour parking, speak with business/property owners and signage directing people to the public parking lot behind CVS. Council to take the P&Z resolution, review the information and discuss at a later date. Next meeting February 8, 2022 at 6:00 pm.

Committee Liaisons:

Hospital Board- Meeting for next week has been cancelled.

P&Z Ec. Development- Meeting on January 12, 2022 at 6:00 pm at City Hall

Tourism- Meeting on January 12, 2022 at 5:30 pm at City Hall

Department Heads:

Police- Chief Sims stated that the Officers have stepped up due to the department being down to only 3 to 4 officers with 1 in the hospital from COVID.

City Administrator Report:

1. River Level- The river level is 2.7’ which is a historical low, so there is a problem with hydraulic pressure pushing into the 8” pipes to the 14” pipe to the plant – a very low flow. The vacuum pump failed Thursday evening and then water level dropped to 350 gpm. So the City went to 24-7 operation keeping both tanks full and the water basin full. A letter was received today stating that the low level may carry over to 2023. Earthworks dug for the force main which was about 15’ deep. The pipe is 14” which is an odd size, a cut in the 14” pipe to place a “T” and set connect/valve. A diesel pump has been temporarily secured from the Corp of Engineers and they loaned some pipe. The Corp permit will allow us to excavate the bank down to the rock berm. The trackhoe will be out on the rock berm digging down for a 3rd pipe. The 3rd pipe will be hooked to the pump. A pump will be placed on the berm to push the water to the plant and the pump at the plant will be pulling. The Corp will only allow us to use the pump for 2 weeks because it is for floodplain issues. The river is back up to 3.1’ and to go up to 4’ and then back down again.

Council Comments/Concerns & Items from Prior Council Meetings

Crystal Lake- Sims informed council that a kid fell on the ice at Crystal Lake, part of his leg went in the water. The Park Board has ordered signs and they are up at Community Lake and Crystal Lake.

Downtown Sidewalks- Wolken asked about doing something with the sidewalks like marking them in the bad areas so that people are aware. There is a preliminary plan with the Hospital Board. Attorney Cover stated that the City could do that.

Mayor Comments: Budget meeting tomorrow at 8:30 am.

Motion by Carey seconded by Lynn to go into Executive Session and notice is given that the meeting or portion thereof will be closed pursuant to Section 610.021 RSMo under the following specific exceptions: Sub-sections: 1) Litigation. Motion carried. ROLL CALL VOTE was answered as follows: Aye: Sims, Carey, Wolken, Scott, Harden, Parris and Lynn. Nay: none.

Litigation:

Council discussed possible litigation.

Motion by Parris seconded by Sims to adjourn. Motion carried. Council adjourned at 10:15 pm.

Carla Ghisalberti
City Clerk
01/11/2022

Earl Parris
Mayor Pro-tem

Upcoming Events

- Council Meeting Dates- January 25, 2022 and February 8, 2022 at 7:00 pm.
- Swaddling Clothes- January 8, 2022 at Lutheran Church from 9 am to noon.
- Budget Committee Meeting- January 12, 2022 at 8:30 am
- Tourism Meeting- January 12, 2022 at 5:30 pm
- Economic Dev. Meeting- January 12, 2022 at 6:00 pm
- Blood Drive- January 13, 2022 at the Lutheran Church from 1:00 pm – 6:00 pm.
- VFW Breakfast- January 15, 2022 from 7am to 10 am.
- City Hall Closed- January 17, 2022 for Martin Luther King Day.
- Bicentennial Meeting- January 18, 2022 at 6:30 pm at The LEX.
- Baby Grace Diaper Handout- January 22, 2022 at Methodist Church from 9:00 am to 11:00 am.
- Women of the Moose Breakfast- January 22, 2022 from 7:30 am to 10:30 am
- River City Square Dancing- January 23, 2022 at Methodist Church from 6:00 pm to 8:30 pm.
- Budget Committee Meeting- February 2, 2022 at 8:30 am
- Budget Committee Meeting- March 9, 2022 at 8:30 am