

**REGULAR MEETING OF THE LEXINGTON CITY COUNCIL****July 11, 2022****7:00 P. M.**

The regular meeting of the Lexington City Council was called to order at 7:00 P. M. by Mayor Spencer Johansen in the City Council Chambers at City Hall.

Mayor Johansen led the council in the Pledge of Allegiance.

Roll call was taken to find the following physically present: Mayor Johansen, Alderwoman Wilson, Alderman Little, Alderman Mattingly, Alderman Franklin, Alderman Richard with Alderman Stover absent. Members of the staff and public present were: Ken Sours, David Proeber, representing COCU, Cindy Freed, Colleen Winterland, Tom Kinsella and David Belvery.

It was moved by Alderwoman Wilson and seconded by Alderman Mattingly to approve the minutes of the June 13, 2022 regular session of the City Council meeting. Motion carried with four yes and Alderman Richard abstaining.

It was moved by Alderman Franklin and seconded by Alderman Little to approve the Treasurer's Report and paying of the bills in the amount of \$43,979.26. It was noted that they would hold up on the payments to Prairie Material and Greg Leake. Motion carried unanimously.

**Public Input:** Colleen Winterland addressed the council regarding the property at 305 N. Center Street as a health matter and an eye sore for the residents of Lexington and to the children who attend Lexington School. She appreciates the help Mayor Johansen and Alderman Richard has given her in the past several weeks and recognizes the immediate need to rectify this situation. Her parents are Charlie and Patty Wilder and they have complained to the city several times and no one has documented or acknowledged these concerns. This property is directly behind her parents home. The city attorney has sent a letter to the residents, but it was not dated, specifically stating that they are to take proper care and maintenance of the residential property. Noted in the letter to the residents were that there have been similar issues that have occurred in the past on numerous occasions. She does not know who is responsible for enforcing this letter or the court appearances that were referenced. Has the resident been cited and issued violation citations that are outlined in the letter? If the enforcement officer had been doing his due diligence she would not be here tonight.

She was born and raised here and lived here until her husband passed away 13 years ago. Since then she has lived in Bloomington due to her job requirements. She works for the City of Bloomington. She has seen abatements and sent bills to legal for public works. It is not her parents fault. With children that are going to school or anyone who has to live by them. This yard is filled with garbage, tires and miscellaneous containers filled with water and who knows what else is behind that fence. There could be hazardous waste or some kind of waste back

there that could seep into the ground and contaminate the city's water supply. Nobody knows! The entire City of Lexington should be concerned about the mess at 305 N. Center Street. Children go to school within a half a block of this residence. Has anyone considered the potential for West Nile Virus? The Health Department was very concerned when she contacted them. Are children safe with the dead tree in the backyard? It is going to fall on her parents' property. Who is liable then? And 80% of the time there are vehicles parked across the sidewalk and kids can't get to school. Her parents had to get a permit for their fence and carport but she had pulled all permits for 305 N. Center Street and could find no permits for all their stuff. The current state of the fence is that it is held up by 2 x 4's and almost touches her parent's fence. She is here to get the rest of the city council on board. She realizes it will be very expensive. She is looking for a time frame as to when it will be cleaned up.

Mayor Johansen agrees with everything that she has said. It is in the hands of the attorney and we are pursuing an Administrative Search Warrant and we hope to get a court date soon. Once we get that court date we will move forward. The property has been an eye sore and it needs to get cleaned up. There is no excuse for what has not been happening in the past.

Alderwoman Wilson knows the tree has been an issue for some time and should have been taken down a year ago. Alderman Richard feels it is a power line issue.

Alderwoman Wilson is a substitute teacher and taking the children for a walk in that area is very scary.

There are kids in that house and it cannot be safe. DCFS cannot say that it is safe for them to be in there. It was stated that there are four kids and two adults living there along with a small dog and ducks in the yard.

The Administrative Search Warrant gives us 96 hours to conduct a search and 10 days to reply to the court. Because of COVID they have been lenient on returns.

It was felt that with the search warrant there could be repercussions to Colleen's parents but wanted to stress that it is the city doing this. Her parent's name was not mentioned.

Tom Kinsella had hoped to have a survey map of his property at 507 W. Main Street tonight but there seems to be a problem in the survey office and they have not gotten the documents to him. He will hopefully have them by the next council meeting.

Dave Proeber addressed the council regarding the small lot behind the Blacksmith Shop. He represents the COCU Church and they would like to purchase that lot. They are in the process of selling the church building at 109 N. Pine and will be moving the Sanctuary to the Blacksmith Shop. The Pine Street building is in need of repairs and is much too large for the current congregation. They originally thought they owned the 50 X 50 lot at the back of that property until recently but found out it belongs to the city. The city uses it to park equipment on.

**Old Business:****Discussion/Vote Ordinance 2022-5: Amending Chapter 23 of the Lexington City Code to Add A New Article VI Regarding Regulation of Residential Rental Property**

This ordinance mostly protects the renter such as requiring screens and heat at a certain level through the winter months. The basic requirements. This was brought on by a rental that had no heat for five days this past winter. This gives the city something to work with as an ordinance violation. We talked about having a meeting and inviting the landlords that have property that they are renting out to come up and go through it with them to see if they have any questions.

Alderwoman Wilson worked on the ordinance and picked parts from the landlord/rental section of the International Code of Property Maintenance Standard which is used by the Town of Normal and did not include any building code or apartment complex parts. They can be added later if needed. She felt it was not needed at this time.

There was some discussion as to whether or not this ordinance would include the trailer court west of town and does it include commercial businesses? General consensus was that it does include the trailer court and we should include commercial businesses in the ordinance.

The question was asked about what our recourse was if they did not comply? The city would fine them and the city attorney would prosecute them. If they fail to pay the fine we could have a warrant put out for their arrest for failure to pay on a local ordinance.

It was felt we needed to go slowly. We needed to review and get feedback. State law cannot enforce this without the ordinance.

Alderman Mattingly would like to see a list of landlords with a contact number for each one. That would also be helpful when there are people coming into City Hall looking for rentals. It would also be helpful in who to contact when water bills are not being paid, we can look and see who is responsible.

Motion was made by Alderman Mattingly and seconded by Alderman Franklin to table this ordinance to review. Motion carried unanimously.

**New Business:****Discussion/Vote Mayor Pro Tem**

Mayor Johansen did not have committee assignments ready to pass out at tonight's meeting but felt we should go ahead with the election of Mayor Pro Tem.

Motion was made by Alderwoman Wilson and seconded by Alderman Mattingly to elect and Alderman Franklin Mayor Pro Tem in Mayor Johansen's absence. Motion carried with four yes and Alderman Franklin abstaining.

### **Discussion Only Request For Street Closings/Block Parties**

Mayor Johansen feels that we need to come up with some kind of request form for when some one or a group wants to close a street. It should cover consumption of alcohol on city streets and who is responsible, the hours, etc. Jon Kemp has not asked to close the streets since we have had the parking lot.

It was decided that the aldermen for the ward for the upcoming block party would look into what needs to be done.

### **Discussion Only COCU's Request For More Space Behind The Blacksmith Shop**

The lot in question is used by the city to park trailers on and other equipment. Mayor Johansen will talk to the public works guys to see how they feel about losing that space and if there is another area they could use. They also dump some road rock back there but they might be able to find a different location for that.

Comment was made that that was the only place that they had to park equipment.

Alderman Franklin felt it made sense to give them the lot as it would even things out in back of the Blacksmith Shop and the City did have the lot across the street. They are wanting to put some landscaping behind there and it would be an improvement. We will put it on the agenda for the next meeting.

### **Vote to go into Closed Session to Discuss Possible Pending Litigation**

Motion was made by Alderman Franklin and seconded by Alderman Richard to go into closed session to discuss possible pending litigation at 7:44 P.M. Motion carried unanimously.

### **Vote to go Into Open Session**

Motion was made by Alderman Mattingly and seconded by Alderman Little to go back into open session at 8:12 P.M. Motion carried unanimously.

### **COMMITTEE REPORTS:**

#### **Mayor's Report:**

Mayor Johansen reported on the following items:

The two checks that had been held up in the Treasurer's Report were for reimbursement for materials. He will confirm this tomorrow but this should not be happening and he will take care to see that it does not happen again. The auditor does not approve of this practice. He does not understand why the bill was sent to us.

He will be working on Committee Reports. Alderwoman Wilson and Alderman Richard would like to continue on the committees that they are on.

The AED Training will be after the next council meeting and the Appropriation Meeting will be held 15 minutes before the next meeting.

The attorney has read the railroad agreement that was done with Ollie Myers back in 1963 or 1968 and they are still asking for a fee. There are some issues with it. The attorney is going to look further into it as to whether there is any reason we should continue paying . It is up to the railroad to do something with the crossing. Brandt just kept signing it. Where is it our responsibility to repair the tracks and if we sign is it our responsibility if someone gets hurt?

Dave Leake is going to clean up the ditch between the Coffee Hound and the Fire Department. The Coffee Hound would like to move their equipment in in August and they are still getting water in the building. The contractor says he raised the floor three inches but it does not look like it was raised and it would help to put gutters on the building. They want to paint and seal the floor before the equipment arrives.

Analytical Brewery has been packed since it opened. There is a need for more outdoor seating. The other restaurants have all noticed an uptick in business since the brewery's opening.

There is a new sidewalk where the parking lot is across from the Shake Shack and a cross walk will go in soon. A solar powered caution light might be a good idea.

The attorneys have sent a certified letter to the other brewery in town. He needs to follow up on that to see if there has been a response.

He has heard from Dollface Desserts and they are still working on financing and they are going to be meeting soon.

Carey Davis has bought 29 acres behind Dollar General.

He thinks there is a need for a pickleball court and was pleased to hear that the Park District is in the process of putting some in. There will be two pickleball courts as well as a tennis court.

He has the Intergovernmental Agreement with the county and it is ready to sign and send back. Saybrook will have a new water tower and plant in operation by December. They are scheduled to start on Lexington's Water Tower in August.

**Police:** Alderman Richard reported that we will be hiring and swearing in the new police officer at the next meeting.

**Building/Insurance** None

**Finance /TIF** None

**Water/Sewer/Sanitation** Alderwoman Wilson reported that Billy DuBois had \$5,000 budgeted for a wind block behind the Water Plant due to freezing issues. Devore's proposal was \$4,000 so he saved \$1,000.

The power bill for the Water Plant was up \$1,000 from last month. It was noted that everyone's power bills have increased. We will be watching this in the future and Mayor Johansen will be

looking at the power bills for street lights etc. to see what increases are. This also enforces the need for a Sales Tax increase.

**Street/Alley:** Alderman Mattingly reported that they are trying to level the sidewalk along the side of the old Commerce Bank building. They are resurfacing it and are having trouble making it level.

The two apartments above the old Commerce Bank building are rented and Sue Davis should be able to move into the lower part of the building by the end of July. There seems to be some confusion over the addresses for the apartments as the city has assigned them addresses but the Post Office does not recognize them. It takes a letter from the mayor on city letterhead to make it official. He will get that done immediately.

There was some discussion about what would cause the Water Plant's power bill to go up so much and what could be done to lower it. Could residents be filling their pools? Was Billy running the new well? Although he switches wells each month. Do we need to look into something with a solar motor?

AED training and Appropriation Meeting at the next meeting.

There being no further business, a motion was made by Alderman Franklin to adjourn at 8:40 P.M. Motion carried by unanimous voice vote.

Respectfully submitted,

Pati Pease

City Clerk

Approved: July 25, 2022