

**REGULAR MEETING OF THE LEXINGTON CITY COUNCIL****October 25, 2021****7:00 P. M.**

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

Mayor Pro Tem Franklin led the council in the Pledge of Allegiance.

Roll call was taken to find the following physically present: Mayor Pro Tem Franklin, Alderman Stover, Alderman Little, Alderman Richard, Alderman Mattingly, and Alderwoman Wilson with Mayor Johansen absent. Members of the staff and public present were: Kenneth Sours, Mike Cotter, Brett Egan and Randy Jacobs with Compass Insurance and Evan Leake .

It was moved by Alderman Mattingly and seconded by Alderwoman Wilson to approve the minutes of the October 11, 2021 regular city council meeting. Motion carried unanimously.

It was moved by Alderman Stover and seconded by Alderman Richard to approve the Treasurer's Report and paying of the bills in the amount of \$76,785.97. Motion carried unanimously.

**Public Input:** Brett Egan and Randy Jacobs were attending to give a presentation on Compass Insurance products. Brett Egan started the discussion.

He wanted to quote the very best option for the city and felt that at renewal the first thing we needed to change was the cyber liability portion of the policy. Currently there is \$100,000 in coverage and he would suggest \$500,000 in coverage at a minimum. There are valuable controls that they see missing in organizations such as: Information Security Awareness Training, Advanced Authentication Controls and Automatic Software Patches and Security Updates. They have found that 95% of cybersecurity breaches are caused by human error. This is the biggest target for small towns and is quite costly to rectify. The city needs to focus on cyber insurance. This happens more than people realize. If a system is not backed up it is easy for hackers to get into and they come from all across the world and know a lot about technology. It is inexpensive to increase your coverage to \$500,000 for an additional \$495/year and \$1,000,000 for an additional \$990/year.

The second reason to go with Compass is it is locally owned and operated in Lexington and they are right across the street. Payne Insurance is available to answer any question you might have. You would be keeping your money local.

Randy Jacobs wanted to reiterate that cyber liability is a huge issue and the biggest risk the city faces. In the insurance world cyber insurance is getting to be a huge issue. He believes that the government will be coming out with a cyber liability program similar to the flood insurance

program in the future. With Compass he has the resources he wishes he had had to offer to the city a few years ago and believes Compass to be a good company.

Brett wanted to make sure we understood that because of the many claims against it, cyber insurance is harder to get as many companies are going out of business and will not quote half a million or are unable to quote a premium at this time.

**Old Business:**

**DISCUSSION - TO PROCEED WITH VACATING ALLEY/EASEMENT BETWEEN THE FIRE DEPARTMENT AND COFFEE HOUND**

All aldermen had a copy of the modified ordinance allowing for drainage and transferring 120 feet northeast and 20 feet wide from West Chestnut Street to the Fire Department. The city will retain the remaining portion of the alley for drainage purposes.

**SECTION 2.** The ordinance shall not be effective until the City of Lexington approves, in the City's sole discretion, a drainage plan to be submitted by the Lexington Fire Protection District Providing for adequate drainage for nearby and adjacent properties.

**SECTION 3.** The ordinance shall not be effective until the Lexington Fire Protection District removes that portion of their fence and retaining wall, in the City's sole determination, that encroaches upon the Alley in such a manner so as to interfere with future utility or municipal work in the Alley, and otherwise provides the City adequate assurances that the Lexington Fire Protection District will refrain from occupation of portions of the Alley in such a manner so as to interfere with future utility or municipal work in the Alley, with said portions of the Alley being a 14 foot width of the non-vacated portions of the Alley.

Mike Cotter spoke for the Fire Department and did not understand why the city wanted the portion of the alley they were keeping. They didn't know they had it and now they do not want to give it up. The Fire Department wants to build on it as well and feel there would still be room for an easement and if necessary the power company could access the pole through the Coffee Hound property. If they move their retaining wall it will be right on the edge of their building. The Coffee Hound said it was ok to use their property to get to the pole. He felt that no one could build on the west side of the power pole unless they built over top of the tile. That tile needs to go all the way down to Chestnut Street and come up the railroad tracks.

Alderman Richard would like to see a study done as to where the tile runs before there is a vote on the ordinance. He feels that the Fire Department was told at the last meeting that they were not going to get the whole alley.

Mike Cotter expressed his frustration that it has taken four months of talking and they have gotten nowhere. He remarked that all aldermen got an email four months ago from the Fire Department asking for the whole 120 feet and their intention of building and wanting to have

the alley vacated. At the last meeting you were going to give it all until the 14 feet came up and moving the wall. They can come from the west; they do not need to come from the north.

Alderman Mattingly reminded Mike Cotter that he should not infringe on his neighbors to come on their property to work on your power. Ameren should not come on Coffee Hound to work on the power lines. It is the city's responsibility to give them the easement to work on the utility pole and that is what we are trying to do with the 14 foot. The mayor did not want to move the pole due to the expense.

There was more discussion on the drainage and easement issues with Mike Cotter voicing his frustration over the process and lack of communication. Since there was no vote on the agenda for the item, it was decided to continue to discuss to see if drainage issues could be resolved and vote on the ordinance at the next meeting.

**New Business:**

**DISCUSSION/VOTE - RESOLUTION 2021-6: CLOSED SESSION REVIEW**

Alderman Richard led the discussion stating that he and Alderman Franklin had met to review the closed session minutes on October 8, 2021 and determined that the minutes from June 8, 2020, June 22, 2020 and March 8, 2021 should be released. The remaining minutes should not be released at this time.

Motion was made by Alderman Richard and seconded by Alderwoman Wilson to approve Resolution 2021-6: Closed Session Review. Motion carried unanimously.

**DISCUSSION/VOTE - ORDINANCE 2021-12: PROVIDING FOR THE ANNEXATION OF THE LEAKE PROPERTY**

This property is located adjacent to BP. The zoning change is scheduled tentatively for the November 22nd meeting.

Motion was made by Alderman Mattingly and seconded by Alderman Stover to approve Ordinance 2021-12: Providing for the Annexation of the Leake Property. Motion carried unanimously.

**DISCUSSION/VOTE TO APPROVE EARLY ENTRY LICENSE AGREEMENT - CHEEVER PROPERTY**

This is the old Salt Shed property. Everything should be moved out of there.

Motion was made by Alderwoman Wilson and seconded by Alderman Mattingly to approve the Early Entry License Agreement for the Cheever Property. Motion carried unanimously.

**COMMITTEE REPORTS:**

**Mayor's Report:**

None

**Police:**

Alderman Richard reported that the new candidate for police hire had completed everything. There are 70 applicants for the next academy class

that starts January 9th. He is third on the waitlist and there are always half a dozen or more who fail the testing so Alderman Richard feels he is assured of getting in. He would like to swear him in officially at the next meeting to be able to turn his name in.

The garage doors are in and the police cars are back in the garage.

**Building/Insurance** Mayor Pro Tem Franklin is still getting insurance quotes. December 1st is the renewal date.

**Finance /TIF** Alderman Stover is still working on the levy.

**Water/Sewer/Sanitation** None

**Street/Alley:** None

There being no further business, motion was made by Alderwoman Wilson to adjourn at 7:37 P.M. Motion carried by unanimous voice vote.

Respectfully submitted,

Pati Pease

City Clerk

Approved: November 8, 2021