

REGULAR MEETING OF THE LEXINGTON CITY COUNCIL

July 26, 2010

The regular meeting of the Lexington City Council was called to order by at 7:30 p.m. by Mayor Mohr in the City Council Chambers at Lexington City Hall.

Roll call was taken finding the following physically present: Mayor Mohr, Alderman Brill, Alderman Cole, Alderman Fiero, Alderman Miller, Alderman Revelle and Alderman Winterland. Members of the staff and public present were: Dave Schneider, Mike Beard, Zach Knight, Jon Kemp, Atty. Frank Miles, Donna Good, and Linda Benedict.

It was moved by Alderman Fiero and seconded by Alderman Brill to approve the minutes of the July 12, 2010 Council meeting as presented. Motion carried unanimously.

It was moved by Alderman Winterland and seconded by Alderman Revelle to approve the Treasurer's Report and authorize payment of bills in the amount of \$14,743.84. Motion carried unanimously.

Public Input:

1.) Zach Knight, of Farnsworth Group, presented an update on sewer progress as follows:

Div. A – Lots of concrete has been poured, using material from Modahl and Scott. Concrete has passed break tests and is meeting all the specs. A tile that needed rerouting was installed at the incorrect depth by a subcontractor, but will be re-installed, at their expense, at the required depth.

Div. B & C – Progress has been halted, as work by other contractors must be completed before tasks can resume.

Div. D – The crossing of Turkey Creek is finished, as well as the bore under I-55. Piping is being laid on west toward Barker Chevrolet on the west side of I-55.

Div. E – Work in Northpark has been slowed by sandy soil conditions and accumulations of water. More pumping power has been installed, and service drops at 10-15 properties are finished. Notification and cooperation with homeowners is going very well.

Div. F - As this is the busy season for agricultural irrigation, work has stopped for now. The contractor will return later in the season and be able to complete work as expected.

2.) Attorney Frank Miles commented that since the last meeting, he has drawn up an agreement, which has been presented to the council. In the interim, Ms. Benedict has found 2 individuals who may be interested in either reclaiming the wood from the barn before demolition, or who may be able to get the structure down so it can be removed. Either option could end up saving both Ms. Benedict and the City some money. The court date has been continued to September.

Police Chief's Report – (Postponed from the July 12 meeting) For June, the Chief reported the following: 47 calls for service-15 were assists to other agencies; no assists from other agencies; 1458 patrol miles logged; No ordinance violations; 6 verbal and 3 cited traffic offenses; 443 business checks. One neighborhood vehicle has been registered. The Police Department is working with the Fire Department, who is organizing a "live" exercise dealing with vehicle crashes, to be held on September 8, 2010. Two new part time officers will be on the roster by mid-August. Also, the department has been given a used monitor and DVR to be used in recording interviews locally. A camera, estimated at \$40, needs to be purchased to complete the setup.

Old Business:

- **Benedict Proposal** – Mayor Mohr had emailed copies of the proposed agreement between the City and Linda Benedict to the council members prior to this evening's meeting. Responses to that proposal were as follows: Item #7 – Why would Benedict be allowed as much as 5 years before attempting to market the property? Attorney Miles replied that the property is her home and she would need time to find another residence. Also, in this down economy, the time would hopefully improve sale options. Item #8 – If repayment of the agreed on portion is subordinate to other debt, would the City even have a chance to recoup it's investment? Would a demolition lien move the City's claim to the front of the list? Item #6 – Is recouping only half the cost of the project a fair amount? A 75-25 split is an option that Alderman Revelle

feels his constituents would more strongly favor as a use of City funds. Item # 2e- It would be hoped that the City would not become responsible for maintaining the restoration of the surface to grass once it is established. Will the time and legal fees saved justify the precedent of using TIF funds on private property? The City would prefer to recapture all of the expenses involved in this situation if possible, including the demolition costs, surface restoration costs, and legal fees. Attorney Miles will re-work the agreement, and perhaps in the mean time, Benedict may be able to get the structure down on her own, saving everyone. If an agreement can't be reached, the court resolution will proceed.

- **TIF Grant Proposals** – Alderman Winterland reported that Mr. Mann had called asking to have his request pulled from tonight's agenda. However, another request from Don Jacobs has been received. He would like funds to assist with the tuck-pointing of his building at 302 W. Main St. Alderman Winterland will poll his committee, as schedules prevent a committee meeting before the August 9th City Council meeting. Mayor Mohr reminded everyone that only \$25,000 has been budgeted for grants in this year's budget. The remainder of the tuck-pointing at 112 N Cedar has yet to be paid out of that, as well as how much if any goes toward the Benedict project, so grant monies are already nearly depleted. Alderman Revelle commented that he had personally spoken with Ms. Benedict approximately 2 years ago with an offer from the City and was told at that time she had someone interested in demolishing her barn for the wood and was taking care of it.

- **Code Supplement** - Alderman Brill does not have the completed supplement from General Code yet. Tabled until August.

New Business:

- **US Flag Presentation** – The City has been presented with a U.S. flag that was flown over the American Compound at FOB Curry, Afghanistan in 2009. SPC Jamie Compton, of Lexington, serves in the 2nd Platoon, 333rd Military Police Company, and donated the flag, which will be placed in the American Legion display case at City Hall.

- **Ride for Life Street Closing Request** – Jon Kemp would like to have Main St. closed between Pine St and Cedar St on Saturday, August 14 from 1-3 p.m. This would accommodate bikers who are participating in the 2nd Relay for Life Motorcycle Ride, of which Kemp's Upper Tap is a sponsor. He will provide security and clean-up like last year. Over 300 bikers rode last year, so if weather cooperates, that many or more are expected. It was moved by Alderman Winterland and seconded by Alderman Miller to grant the request. Motion carried unanimously.

- **Closed Session – Sect. 2(c)(11) – Pending Litigation.** It was moved by Alderman Revelle and seconded by Alderman Brill to moved to closed session at 8:22 p.m. Motion carried unanimously.

- **Open Session resumed – 8:38 p.m.** with all council members and Mayor present.

Committee Reports

- **Mayor – 1)** Lexington Finer Foods held an appreciation dinner Saturday to observe their 3rd anniversary. Over 700 fish sandwich meals were served. Mayor Mohr names them an asset to the community and encourages patronage of the business. **2)** Mayor Mohr reminded the council of the letter dated 12/11/07 sent to Ms. Benedict regarding the Zoning Board of Appeals and subsequent City Council action, which outlined the reasons the request for conditional use of her property was denied.

- **Police** - None

- **Building/Insurance** – Alderman Miller reported that Attorney Tibbs is working on the exemption process for the wastewater treatment plant site on N. Orange St. and for the small storage garage at 109 N Vine St. Mayor Mohr asked Alderman Miller to report at the August 9th meeting on the managed health care insurance process and its progress.

- **Finance/TIF** – Alderman Winterland will contact each member of his committee to get a consensus on present TIF requests before the next meeting. Summer schedules preclude a meeting.

- **Water** – Pre-approved water rate increases will be applied to the upcoming August water bills.

- **Sanitation** - None

- **Street/Alley** - The committee members have had several discussions on the City drainage issues. Information has been obtained from several engineering firms, which would set a cost for a study. However, in discussions with Farnsworth Group, a study of the precise issue was done in 1994. Areas of concern identified at that time remain the same as today, with the exception of cost projections. Of highest priority is the North Park subdivision, and the northwest corner of town, both of which will require major boring operations as part of the solution. G.A Rich, currently doing sewer work, may be able to help getting ballpark figures on the cost.

Alderman Miller asked if the City would soon be determining the cost of individual hookups to the sewer system. To date, the Mayor reported that no word has yet been received on the amendment to the loan package, which will impact final costs. Also, Bill Elias has been working on "cataloguing" every house with measurements for services. These numbers will be of importance if/when the City goes out for bids for this portion of the work. Mayor Mohr feels that the worst-case scenario would be around \$1500 to homeowners for abandoning the septic system, cost of materials, and the trenching from the curb to the house. Also discussed was the closing on the Morris St. shed, which should occur the first of next year. A contract needs to be drawn up before then.

There being no further business, it was moved by Alderman Miller and seconded by Alderman Winterland to adjourn at 9:12 p.m. Motion carried by a unanimous voice vote.

Respectfully submitted,

Margaret Quinley
City Clerk

Approved: 8-9-10