

REGULAR MEETING OF THE LEXINGTON CITY COUNCIL

July 25, 2011

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

Roll call was taken to find the following physically present: Mayor Mohr, Alderman Cole, Alderman Miller, Alderman Brill, Alderman Fiero, Alderman Revelle and Alderman Winterland. Members of the staff and public present were: Melanie Kunkel, Zach Knight, Don Rutledge, Greg Crowe, Donna Williams, June Mccord, David Thomas, Donald Liming, Edna Liming, Jeff Thomas, David Atchley, Linda Wells, Bill Elias, Steve Friedmanky, Leisa Friedmanky, Vivian Long, Donna Good, Judith Vlente, Linda Benedict, Segrunn Doran, Ken Doran, Taty Ehlers, Mark Hapke, Andi Benedict, Kara Nelson, Helen J. Leake, Kristin Powell, Lindsey Benedict, Eva Ann (Kelley) Beasley, Julia Davis, Sharon Menk, and Londa Anderson.

It was moved by Alderman Brill and seconded by Alderman Cole to accept the minutes of the July 18, 2011 TIF Amendment public meeting, the July 18, 2011 City Council meeting, the July 18, 2011 Police Committee meeting and the July 20, 2011 Water Committee meeting. Alderman Cole would like the City Council minutes under Old Business: 1. Donna Williams' TIF Request to reflect that he agrees with TIF grants for building owners who intend to make improvements to building facades that face city streets. Under Committee Reports, Alderman Brill would like the minutes to reflect that the contractor repaved 19' of road next his business rather than his home. 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 sum of \$39,725.38. Motion carried unanimously.

Public Input- Public Input: Zach Knight with Farnsworth provided an update regarding the sewer construction. **Div. A-WWTP-** site is complete and operational. **Div B-**The contractor is planning on completing the start of the remaining four lift stations, there are a total of five. One lift station is currently online. Once that is complete, there will be a few punch list items for them to take care of. **Div. C. –** Stark is working on the force main that goes up to the irrigation site. They will be testing it, adding some warning signs around the perimeter of the irrigation site and installation of some ground water monitoring wells. **Div D-** The contractor has been focusing on restoration, grass seed, and replacing roads. There is one manhole that needs to be installed over by Meadowridge which will tie that subdivision into the sewer system. **Div E-** Work was completed on South Street today and the last manhole was installed. They will be working on some services coming across that street during the next few weeks so more road closures can be expected. After that, they will be focusing on restoration through the month of August and plan on finishing by Aug 31. **Div. F-**The contractor has installed the irrigation units and is working on some control issues. The contractor will then provide city employees with training on these units. With the construction work coming to a close, contractors are hoping to finish by the August 31st contract deadline.

Old Business:

1. Knox Box Ordinance- Alderman Fiero is working on a draft ordinance; however, her notes indicated that council members agreed to make the Knox Box optional for business owners and questions whether an ordinance is in order if it will be optional. Alderman Fiero feels a better way of handling the Knox Box question is to issue letters to business owners informing them of their option and putting them on notice that the fire department will no longer hold keys for each business. The council agrees. Alderman Winterland and Alderman Brill feel such letters should be issued by the fire department and supported by the council. Motion by Alderman Fiero and second by Alderman Miller to postpone the Knox Box ordinance pending further research by Alderman Fiero into how other communities have handled this subject. Motion carries unanimously.

2. High School Coop Program-Motion by Alderman Brill and second by Alderman Cole to postpone this discussion pending more information about liability/insurance. Motion carries unanimously.

3. North Park Roads (Don Rutledge)-Don Rutledge of Farnsworth addressed the council with various options with respect to fixing the North Park subdivision streets. He is unclear as to which of the options would be best for the city. Motion by Alderman Winterland and second by Alderman Cole to refer this topic to the Street Committee for further discussion. Motion carries unanimously. A meeting of the Street Committee with Don Rutledge is scheduled for Tuesday, July 26th at 1:30 pm.

Meeting was recessed for a break at 8:35 pm and was called to order by Mayor Mohr to resume agenda discussions at 8:50 pm.

4. Residential Subdivision Feasibility Study- Greg Crowe, Client Services Manager for MSA Professional Services, addressed the council regarding MSA's ability to provide the city with a residential subdivision feasibility study. The City, the school system and local businesses would benefit from additional residential development. The feasibility study would model the financial impact of a variety of subdivision design characteristics. Motion by Alderman Winterland and seconded by Alderman Brill to postpone these discussions to a future date. Motion carries unanimously.

5. Benedict Attorney Julia Davis- Linda Benedict's attorney, Julia Davis, addressed the council regarding the pending litigation. She asked the council to reconsider their decision to assess the legal fees to Ms. Benedict's property. Ms. Benedict addressed the council after handing out a cut and paste packet of council meeting minutes dating back to 2007. Ms. Benedict's chief complaints are that she claims she was not notified of the code violation until 2010, she feels the city's attorney has overly charged for legal fees and feels the city should not place a lien on her property to recoup those fees. Supporters of Ms. Benedict voiced their opinions that the city council should repeal their decision to place a lien on Ms. Benedict's property because she was cooperative in removing the barn and cleaning up. Alderman Winterland explained the reasoning for assessing the lien was solely because the attorney's fees being paid to defend the code violation are being paid unfairly with taxpayer money. Alderman Brill expressed his concern that Linda and her supporters feel the council is specifically picking on Ms. Benedict and explained that her property is just one of several the Council has acted on. Alderman Fiero explained to Ms. Benedict that, while she feels the council should review the legal fees, she feels Ms. Benedict is being disingenuous by leading her supporters to believe that

she has been cooperative in correcting the code violations. Motion by Alderman Fiero and seconded by Alderman Miller to review the fees and reassess the council's recommendation that all the fees be included in the lien. Motion carried unanimously.

New Business:

Residential Swimming Pool Discussion-At the previous meeting, Dave Schneider provided the council with a list of residents with pools that do not meet the specifications outlined in the city's code. Although the code provides that each pool should be surrounded by a 6' fence, Alderman Fiero feels a 6' fence is too much to ask of homeowners. She is asking that the council, at some point, consider amending the code. Motion by Alderman Fiero and second by Alderman Cole to ask Dave Jenkins and the police department to communicate to the affected residents what the city's code requires to ensure swimming pool safety. Motion carries unanimously.

Unregistered Vehicle Discussion- Alderman Brill recommends that the Council consider amending the code to provide for the removal of any unregistered and illegally parked vehicles. Mayor Mohr has asked that this topic be referred to the Police Committee for further discussion.

Committee Reports:

Mayor: - None

Police-Alderman Brill is researching some additional code violations within the city and hopes to have more information at the next meeting.

Building/Insurance- Mayor Mohr asked Alderman Miller to speak with City Collector, Margaret Quinley about the deductible payments being made under the high deductible health insurance plan.

Finance/TIF- Alderman Winterland received copies of Donna Williams' paid invoices for the work done on her building. He will turn those invoices into Margaret so she can cut a check to Donna.

Water- Alderman Cole asked about notifying property owners who are violating the City's nuisance code for tall grass and weeds. He feels there are several homeowners that need to be notified about the city's code.

Sanitation-Alderman Fiero is currently working on submitting the paperwork for a \$500.00 recycling grant and will work with Melanie Kunkel to help the park district and school with recycling. Mayor Mohr reminded the committee that we are now entering the 3rd year of the garbage contract and to begin thinking about contract negotiations. He further asked the committee to keep in mind, during negotiations, the reduced landfill costs that result from increased recycling and the impact on streets that heavier, automated garbage trucks are having.

Streets/Allys- There will be some work to do regarding streets. Meeting scheduled with Don Rutledge for 1:30, Tuesday July 26th.

There being no further business, it was moved by Alderman Miller and seconded by Alderman Winterland to adjourn at 10:30 p.m. Motion carried by unanimous voice vote.

Respectfully submitted,

Melanie Kunkel, City Clerk

Approved: 8/8/2011