

**REGULAR MEETING OF THE LEXINGTON CITY COUNCIL**  
October 13, 2014

The regular meeting of the Lexington City Council was called to order at 7:35 p.m. by Mayor John 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 Johansen, Alderman Phelps, Alderman Revelle and Alderman Fosen. Members of the staff and public present were: Melanie Kunkel, Bill Chaney, Don Cavallini, Mike Beard, Billy DuBoise and Brandon Fried.

It was moved by Alderman Revelle and second by Alderman Miller to approve the minutes from the September 22, 2014 council meeting with a change to correct the statement made by Mike Richards to reflect that he asked that shrubs be planted around the apartment complex being constructed across from his home so he does not have to look out of his house at a parking lot. Motion carried unanimously.

It was moved by Alderman Fosen and second by Alderman Revelle to approve the treasurer's report and pay bills in the amount of \$363,603.70. Of note: a little over \$228,000 of that amount is the loan payment for the EPA loan on the sewer construction. Mayor noted that the city pays two installments a year on that loan. One from the sewer fund and one from the TIF fund. Also of note is a final payment to Stark for roughly \$62,000 for the completed road work on PJ Keller Highway. Motion carried unanimously.

**Public Input:**

**Old Business:**

**Cedar Street Property Redevelopment Agreement:** Bill Chaney provided the council with a site plan of his proposed apartment complex to be constructed on the city's vacant lots on Cedar Street. Some changes from the original plans include reducing units from 7 to 6 and eliminating two parking spaces. Each unit will have an extended 10 ft. garage for parking and storage. Mayor noted that the TIF base assessment with the two old houses was roughly \$22,000. This project would increase the assessed valuation of the parcels to approximately \$230,000 (a ten fold increase). Council reviewed the Redevelopment Agreement and Mayor pointed out some changes since the last copy was reviewed. The only incentive the city is providing to the developer is the conveyance of the two lots. Taxed at the current rate, this project would generate \$286,104 in property taxes in the TIF district. Mayor is recommending the city share the tax receipts at 50% up to \$100,000. Alderman Fosen noted he feels this amount is fair and that building residential apartments on these two lots is ideal for the city. Council was pretty much unanimous that they like the plans however, would prefer that model showing 7 units rather than 6. Motion by Alderman Miller and second by Alderman Phelps to approve Ordinance No. 2014-7 an Ordinance Approving a Redevelopment Agreement Between the City of Lexington and BC Investments, LLC. Motion carried unanimously.

**Vehicle Impound Ordinance:** Because the council had opposition to the initial fine of \$500, an adjustment was made to the ordinance reducing the fine to \$300. Alderman Phelps noted that Lexington is the only town that does not currently have an ordinance charging impound fees. Alderman Revelle and Alderman Cole feel the city is trying to attract new residents and adding

additional fines and fees at this time may deter that. Motion by Alderman Phelps and second by Alderman Fosen to adopt Ordinance 2014-8 an Ordinance Amending Chapter 240 by Adding Article VI to Provide for the Impoundment of Vehicles and Imposition of an Administrative Fee Related to Same. Motion tied with a vote of 3 yes and 3 no. Mayor voted yes as a tie breaker. Motion carries.

### **New Business:**

**An Ordinance Amending City Code Related to Minimum and Maximum Fines:** Chief Belvery produced this ordinance which would standardize the city's fines for ordinance violations and ticket issuance thus making sure each person receiving a ticket for a violation will be charged the same amount every time. Motion by Alderman Revelle and second by Alderman Johansen to approve Ordinance 2014-9 an Ordinance Amending Article II, Section 1-14 and Chapter 44, Section 44-5 of the Code of the City of Lexington Relating to the Minimum and Maximum Fines that May be Imposed for Certain Violations. Motion passes unanimously.

**Additional Police Department Staffing:** Chief Belvery is recommending an additional full time officer be added to the schedule as well as keeping 16 hours of part time help. Mayor did some math to consider the cost of an additional full time officer. With the base salary, medical benefits and all associated taxes, the total cost to the city would be roughly \$41,000. Mayor went through the budget to find line items that aren't currently being used or have overages to make up this new salary as there is no new money budgeted to come into the city as the city has not increased the levy in seven years. Alderman Cole and Alderman Johansen feel the city should hold off on hiring another full time officer until the next budget workshop so the city could budget for a full time salary and not reduce some of the existing line items in the current budget. Alderman Phelps noted that Officer Dingler has been hired as the Chief in Downs and his hours in Lexington are now minimal. In addition, hiring more part time officers now instead of one full time officer will require those part time hours to be continued after a full time officer is hired per the union contracts. Alderman Revelle noted that if the city did not have the money to pay the salary, it would not. However, as outlined by the Mayor, there is flexibility in some areas that were over budgeted in the past or areas where, what was originally budgeted, was not and will not be used. Motion by Alderman Phelps and second by Alderman Fosen to approve the Chief's request to hire one full time officer and maintain 16 hours of part time help under the financial plan outlined by the Mayor. Motion carries with a vote of 4 yes and 2 no.

**Fireside Outdoor Area:** City received a letter from city inspector, Dave Jenkins, which noted that the way the outdoor seating constructed is not ADA compliant. Dave's recommendation is the fencing be brought into compliance immediately or it should be removed. Brandon Fried, Fireside Manager, provided the council with a copy of standards he pulled off the ADA website that he feels shows the structure is ADA compliant. Additionally, Brandon asked the council to allow him to make the structure permanent and noted that he and his staff will take care of all the snow removal themselves. Alderman Revelle noted that the city should maintain snow removal as it may open the city up to some liability if it is not done properly. Motion by Alderman Johnsen and second by Alderman Phelps to bring the fencing into compliance immediately as is recommended by Dave Jenkins or remove the structure until a compliance structure plan is approved. Motion carries unanimously.

**Senior Turkey Dinner:** Every year the city pays for the senior's turkey dinner. Motion by Alderman Fosen and second by Alderman Miller to approve an expense for the senior turkey dinner up to \$400. Motion carries unanimously.

**Filters at Water Plant:** Billy DuBoise noted that some of the work on the water treatment plant filters has shown that two of the filters are not working at all. Billy noted that at this time of year it's not so much of a problem but in the spring/summer months it will be a real issue. Billy and Mike Beard are recommending repairing one of the two bad filters as they think that would get the city by until the new treatment plant is built. Motion by Alderman Cole and second by Alderman Revelle to approve the quote from All Service Contracting for filter replacement not to exceed \$10,000. Motion carried unanimously.

### **Committee Reports:**

**Mayor:** Mayor provided a report on cash flow being created to offset the cost of the new water treatment plant. Regarding the flooding situation at the Denham house, the insurance is coming thru and he will be repaying the city in a couple weeks. All the road improvements for Wirtz Way and PJ Keller Highway are complete. All the grant money owed to the city has been received. Mayor noted that all the city's big expenses for projects are over until the water treatment plant.

**Police:** None

**Building/Insurance:** Alderman Miller again noted that a 28% increase on the city's medical insurance premiums is on the horizon. He is working on different options. Mayor asked that the employees go out to the exchanges online to see what the quote for that type of coverage. He also mentioned the aggregate reserve the city currently has could potentially be used to pay premiums.

**Finance/TIF:** None

**Water:** None

**Sanitation:** None

**Streets/Alleys:** None

There being no further business, it was moved by Alderman Miller and seconded by Alderman Johansen to adjourn at 10:00 p.m. Motion carried by unanimous voice vote.

Respectfully submitted,

Melanie Kunkel, City Clerk

Approved: 10/27/2014