

## REGULAR MEETING OF THE LEXINGTON CITY COUNCIL

**April 22 2019**

**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, Alderman Schreiber, Alderman Stover, Alderman Franklin, Alderman Richard, Alderman Colclasure and Alderwoman Wilson. Members of the staff and public present were: Chief Belvery, Kenneth Sours, Gennie Hilt, Sarah Steidinger, Mary Beth Wright, Abby Aupperle, Don Peden and Bill Elias.

It was moved by Alderman Colclasure and seconded by Alderwoman Wilson to approve the minutes of the April 8, 2019 regular City Council meeting. Motion carried unanimously.

It was moved by Alderman Stover and seconded by Alderman Colclasure to approve the Treasurer's Report in the amount of \$150,323.51. It was noted that this amount included the Water Plant loan payment. Motion carried unanimously.

**Public Input:** Mary Beth Wright, a resident for 25 years, started the discussion by stating that she is pro-chicken. The reasons she thinks they are a great benefit are they are a great insecticide and chickens love to eat grubs and slugs, and she feels we have too many of those. They provide excellent fertilizer for anyone who is interested in organic farming and an excellent alternative to composting kitchen waste. They are a wonderful educational experience for families. They are also excellent protein. You can have organic eggs. Organic eggs in the grocery store can be as expensive as \$2.00 a dozen or more. It is a huge cost savings for larger families. At one time this was an approved ordinance and I'm sure we could work thru it. I fully support hens as long as it is limited.

Alderwoman Wilson had a number of questions which she discussed with Sarah Steidinger during this portion of the meeting:

The enclosure would be fenced or wired in, including the top? Yes

Free Range in my mind means you get out and you eat things off the ground. Someone could have a permeant structure but what Sarah has is a mobile chicken tractor which has an enclosure on top and the hen house as well. You do not have a buildup of ammonia since they are not all pooping in the same area. You would be able to move that structure in your area every two to three days so you could cut the grass and clear all that area. They eat the slugs out of the garden or landscape bed and they don't actually eat the plant. Free range is limited

as she doesn't want them roaming around in her yard. You could not use a chicken tractor with 50 chickens but you could with 2-4 chickens.

How many chickens would the average person want? Sarah thought 6 should be the maximum that she felt people should be allowed to have due to the age restrictions. At about 6-9 months they will start laying but they will stop laying at about 2-3 years so then you have that gap of what will I do with them until they pass away. She would recommend 4-6. The average hen lays an egg a day. So in her family of five they go thru 2-3 dozen. She purchases a dozen eggs a week from the grocery store or other local families.

Alderman Wilson has been told that with four chickens it is really hard to keep up with the poop. That six was too many and that the noise would not be an issue. She has been contacted by several people not wanting chickens.

Alderman Wilson noted that Sarah had not recommended requiring a permit. We do require a permit for dog owners. She was concerned as to who was going to monitor this. Will this bring in wild animals?

Of your friends in the area, have others expressed an interest in having chickens as well? There are 25 in the face book group there are five that would actually have chickens in town. She put that on the selling wall multiple times to come to the group but have not knocked on doors. She put an on line petition and about 70% from Lexington that said yes. She has asked her neighbors and only one said no. In a contained area they were not concerned. After she explained the details to them or they get free eggs.

Illinois passed the law over a year ago that in extreme weather animals must be brought inside. What would your plan be? Sarah was not familiar with that law. There must be a heat lamp in the winter or they will not lay.

Alderwoman Wilson has a friend that this past winter brought her 15 chickens inside the house during the extreme winter weather. Sarah says the heat lamp but she only purchases hardy breeds and they are supposed to be hardy up to negative degree temperatures. That would be the owner's issue if they bought Mediterranean chickens and they died in cold weather. The same thing if they bought a lizard and left it out side. The coop should have insulation and a heat lamp.

So you will limit your rotation? If I get four chicks this spring and all four of them quit laying at the same time I can send them to get butchered or to a friend's farm and I will pay her for the feed that they will eat the rest of their lives. Or I could stagger them and get two the first year and have useless chickens for a year or two till they die naturally.

Another concern is someone who puts a chicken coop out and doesn't realize the amount of time it takes and eight months later the chickens are gone, you open the door or whatever. Chickens are dying, you drive by because someone didn't take care of them. You can have that with dogs as well. Everyone who has communicated with Sarah

understands the responsibility that they are undertaking. The cost of the coop is well up there. The chickens themselves are roughly \$10 apiece plus feed. These are way more responsibility than a dog who you can just put on a chain and they bark at everything.

Will there be any minimum size lot? There could be. Sarah had suggested the 10 feet from the property line and 25 feet from the neighbor's residence.

Alderwoman Wilson stated that Bloomington just passed an ordinance that anyone wanting chickens needs to come before the council to petition for a permit to be allowed to have chickens.

### **Old Business:**

#### **Discussion/Vote to Proceed with Drafting Ordinance Allowing Back Yard Chickens**

Alderman Colclasure proceeded to read from a prepared statement of items he had found on the internet giving reasons why he would vote against an ordinance allowing back yard chickens. Some of these items were: Apparently at one time there was an ordinance that allowed back yard chickens and for some reason the City Council felt like they needed a new ordinance. The primary purpose of City government is to work hand in hand with local law enforcement agencies to establish city ordinances as well as policies that effect public safety. A few of the publications concerning the raising of chickens and the health risks that impact public safety. *Center for Disease Control and Prevention*, October 2017 report from Associated Press, the CDC confirmed that more than 1,100 people that year end contracted salmonella poisoning from chickens and ducks. Almost 250 were hospitalized and one person died. The rate was four times higher than in 2015.

A 2012 publication, intestinal bacteria from poultry can infect humans and cause urinary tract infections. A new study looks at disease transportation from animals to humans in a world increasing antibody resistance. Intestinal bacteria *enterococcus faecalis* can transmit from chickens to humans causing urinary tract infections.

In July 2018, a reminder from the U. S. Center of Disease Control and Prevention due to an outbreak of salmonella from back yard chickens where 212 people had gotten sick from salmonella due to poultry since February. And as of Monday the illness has been reported in 44 states.

From CBS which is Mary Brophy Markus, June 2017, she writes, keeping chickens in the back yard have become more popular in recent years. But there is a down side, many states are reporting salmonella outbreaks linked to backyard flocks, health officials said this week, and they're calling for owners to take steps to reduce infection risk. This year, 47 states have reported cases of human salmonella connected with backyard flocks, the Centers for Disease Control said this week, including 372 people infected. A little over a third of those who became ill were children under age five. Seventy-one people have been hospitalized.

In Alderman Colclasure's opinion there is more than sufficient information available on the raising of chickens. He believes the ordinance adopted by the previous City Council should stand without amendment or revision. He does not support raising chickens within the City of Lexington. It should be noted that those who have informed him of the roosters on the South side of Lexington do not reside within the City limits. He will not support any changes or amendments to the current City ordinance.

Alderman Richard has done some research of other City's ordinances on chickens and talked with surrounding towns. The impression he got was they changed their ordinance because they were tired of fighting the people who already had chickens.

Alderman Stover would endorse having an ordinance to allow chickens.

Alderman Richard stated that everyone he talked to was overwhelming against having chickens. If it was passed to proceed there were several things he felt needed to be in the ordinance that would probably restrict it for most people. Examples would be lot size and coop conditions. He is really against changing the ordinance.

Alderman Franklin appreciates people wanting to know where their food comes from, he thinks in general most of the populace is disconnected from their food source. He supports that idea anyway. He thinks we could at least draft the frame work, so we can see what we are talking about, the language of the ordinance may take care of their fears. Maybe like Bloomington, come talk to us and we will give you the variance. Either way that will give us some guidelines.

Alderman Schreiber agrees that we should try to do something.

Motion was made by Alderman Stover and seconded by Alderman Schreiber to Proceed with Drafting an Ordinance Allowing Back Yard Chickens. Motion carried 4 yes and 2 no.

#### **New Business:**

#### **Discussion/Vote on Resolution 2019-2: Motor Fuel**

Bill Elias started the discussion stating that the resolution was for \$58,000 with a 5% cushion that was put in over the actual estimated maintenance cost of \$52,864.13 that is including the \$2,451.00 engineering cost. That is the sealing of some streets, some hot mix, hot patch, road rock, spray patch, chips for bleeding, cold patch, concrete for sidewalks and salt for the roads in the winter time.

The question was asked if the amount for the salt was enough for the year. The answer was that yes it was enough. He could go up to 75 ton a year.

It was noted that this resolution was done every year and was written by IDOT.

Bill noted that he is going to do eight blocks of sealing just to stay on his maintenance schedule. Every eight to ten years they try to do the streets.

Motion was made by Alderman Richard and seconded by Alderman Stover to approve Resolution 2019-2: Motor Fuel. Motion carried unanimously.

### **Budget Discussion**

Alderman Stover started the discussion on the budget numbers. Most of the input is historical numbers. Some of the highlights were: **Interest income** was up, taking the excess funds and investing them has been beneficial to all the funds.

We will pick up some new revenue from the new meters that we are putting in. We are losing about 10% efficiency with the old meters. We are purchasing 300 new meters this year.

There will be a new **Video Gaming Registration Fee income**.

He would like to move **City Sponsored Events**, Carnival and Red Carpet Corridor, to **Main Street** and have the liquor and gaming pay for them.

He put in a 2% raise across the board to see what they could afford and to work with.

He budgeted for a new **phone** system which will reduce the monthly cost but there is a significant change over cost up front. It should pay for itself, but right now, the estimated monthly cost is about half, this is kind of an in between figure. He still kept it up as we have not seen it yet.

The question was asked why the **electric** bill had increased by 3%. We are now paying the electric on the old Water Plant buildings since everything moved to the new plant.

**Equipment Purchase** was up due to the purchase of four laptops and the new phone system.

**Intergovernmental Bikeway** is an agreement that Mayor Feigl signed us up for. There will be a more significant expense next year.

**Maintenance Building**, we are putting a new roof on the overhang now. We have not done anything to this building since we moved into it. Mayor Johansen does not anticipate anything else coming out of there this year.

**Economic Development**, along with the Chamber of Commerce, an electronic billboard is being purchased for down along Route 66. It will say City of Lexington. It will have an electronic display where you can display boil orders, any events going on, etc. The balance will pick up the City's website assistance, development and changes.

There was some discussion about transferring the funds that were being set aside for vehicle and equipment purchases into an interest bearing account. The estimated amount after the current budget is passed would be \$171,966. There was also discussion that there was

approximately another \$400,000-\$500,000 in the TIF account that could be invested short term to add addition income.

**Street and Alley** had an additional \$5,000 added to it for the address changes that are needing to be made. There are approximately 100 house numbers that will need to be changed and three street names that need to be changed. That number was put in there in case the City wants to absorb changing those house numbers. There are no changes out in the new subdivision that are etched in stone. Mayor Johansen should have a more detailed list next week. What he would like to do is invite everyone who is affected to the Community Center and let Medcom explain why there address needs to be changed. We will help offset the cost of the change. This needs to be done by June of 2020. One way we could do it is to give the people credit against their water bill rather than send out a check to everybody.

**Water Fund** is paying the EPA loan payment along with the **TIF Fund** and nothing coming out of the **General Fund**. Mike Beard's salary now comes 100% out of the **Sewer Fund**. The idea is to start working the **TIF Fund** balance down.

**Sewer Fund** electric was significantly more than anticipated. Billy also gave him a list of equipment that he felt would need to be replaced and the annual amount for the replacement for the backhoe.

Alderman Stover says we have essentially a balanced budget. That is the \$25,000 we are putting in for the five year project for the Water Tower maintenance that will cost about \$250,000, it shows higher on the balance sheet due to the fact that we jumped up the purchase of the meters to get the income back where it should be. We are kind of swapping or combining the figures now and will play catchup after the meter purchase next year. We will purchase 300 meters this year and the remaining 125 meters next year. It does not make sense to put money away for a project five years down the road when you have a project going now that you need the money for.

A question was asked about the increase in the Equipment Maintenance which it was explained there are three huge meters out there and there was some issues with losing some water that we believe we have resolved. Those three meters need to be tested once a year and it is \$1,000 a meter to have them tested. It is something we need to do and it needs to go in the budget.

Office supplies is where the new billing software will be purchased. It will streamline Star's workload quite a bit. It allows water bill customers to go on-line and pay their water bill and also allows the option to have your water bill e-mailed to you rather that mailed. The City spends \$600.00 a month just on postage to send out water bills. That is just for postage and does not include the envelope or the time of three volunteers who come in to help.

**TIF Fund**, we will be increasing the payments on the water and sewer. Those things still fall under the standard budget. The things we have in there is Casey's road. There is money there

for the shed should there be an opportunity. Public Works project for Douglas Road, ½ of Pine Street project and repave Main to Chestnut.

**Sewer Fund** will be paid off before the TIF is over. One and a half payments prior to TIF being over so TIF will increase \$684,000 over the last year and a half that it exits without the sewer. The water loan will have four and one half years of payments after the TIF expires or about \$1.150M. The difference between what we build up and what’s left to pay on the water loan is about \$545,000 plus there will be one year of bond payments, too. So \$88,000 for bonds \$1.141 for the water, take that total and take out the \$684,000 we will re-coup with TIF after this year’s fees we have with TIF today after we make the sewer payment gives us a difference of about \$545,000 left to pay post TIF on the water and that last bond payment.

Alderman Stover wanted everyone to know that when we pass this budget that we have not approved any expenses. This is a working budget but all major expenses still need to be approved by the council.

**Committee Reports:**

**Mayors Report:**

Mayor Johansen passed around a signup sheet for Red Carpet Corridor to work the City Booth and for servers at the City Picnic afterwards.

All of the paperwork for the Rail Road quiet zone has been sent in. The signs are ordered and it should take effect June 1, 2019.

The design study for P. J. Keller Hwy is complete and has been submitted to the County. They have some concerns which will be addressed next Friday.

Casey’s is now doing their environmental study. He still has not got much of a time line except they are still scheduled to close in October and construction will start after that.

Alderman Colclasure had requested a copy from Dan Brady’s office regarding legislation on the windmill set back that the governor was going to sign. It does not read county it reads township approval.

**Police:**

Chief Belvery told about the crash reenactment that was put on today for prom at Keller Park. It went well and made an impact on the kids.

They started ALICE training today with the 6-12 and tomorrow they will be doing the younger grades. Then Thursday there is a drill. He is very pleased to see that happen.

A question was asked about the active shooter mandate. Chief Belvery replied that all officers have been through active shooter training.

**Building/Insurance**

None

**Finance/TIF:** None

**Water/Sewer/Sanitation:** None

**Street/Alley:** None

There being no further business, motion was made by Alderman Colclasure to adjourn at 8:46 P.M. Motion carried by unanimous voice vote.

Respectfully submitted,

Pati Pease

City Clerk

Approved: May 13, 2019