

REGULAR MEETING OF THE LEXINGTON CITY COUNCIL

July 12, 2010

The regular meeting of the Lexington City Council was called to order at 7:35 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 Cole, Alderman Fiero, Alderman Miller, Alderman Brill, and Alderman Winterland. Alderman Revelle was absent. Members of the staff and public present were Linda Benedict, Donna Good, and Attorney Frank Miles.

It was moved by Alderman Miller and seconded by Alderman Brill to accept the minutes of the June 28, 2010 meeting as presented. Motion carried unanimously.

It was moved by Alderman Winterland and seconded by Alderman Cole to approve the Treasurer's Report and authorize payment of bills in the amount of \$23,560.69. Motion carried unanimously.

Public Input:

Frank Miles, attorney for Linda Benedict, was present to discuss the ordinance violation situation at Ms. Benedict's property. Attorney Miles, Mayor Mohr, and Dave Jenkins (Code Compliance Officer) had inspected the conditions at the property. Most of the weeds and greenhouse debris have been removed and cleaned up, but the old barn remains as an unsafe building and needs to be removed. Ms. Benedict has agreed to sacrifice the barn, but is not in a financial position to have it removed. In order to avoid court action, which is scheduled for July 19, Mr. Miles and Mayor Mohr are working on an agreement, which will abate the nuisance for the City and help Ms. Benedict cost-share the removal. Questions from the council included: How will the City recoup its expense? Will Ms. Benedict actively market the property again? Will other dilapidated structures also be removed? Will the property be subdivided to expedite sale? What percent of cost-sharing is acceptable to the City? Should a time limit for sale be imposed? Will potential buyers be made aware of the possible uses for the property as dictated by the current zoning and as laid out in the City's TIF Redevelopment Plan? Is this appropriate use of TIF funds? After discussion, it was decided that Mayor Mohr will contact Dave Jenkins to obtain a continuance of the court date, while Attorney Miles will prepare an agreement to be presented to the Council at the July 26, 2010 City Council meeting. It will be placed on the agenda.

Police Chief's Report: As Chief Schneider was called away on a police matter, the report will be moved to the next City Council meeting.

Old Business: None

New Business:

1) Code supplement: Alderman Brill received communication from Dave Jenkins regarding a portion of the fee schedule that was omitted somehow from the City Code that was adopted at the June 14 meeting. Jenkins will contact General Code, so they can get the missing information included in the Code format properly, which will then be forwarded to City Attorney Tibbs. He will prepare an amending ordinance for adoption at the July 26 council meeting.

2) Benedict Proposal: After the presentation by Attorney Miles, Mayor Mohr discussed the situation. Bids were obtained by both the City and by Ms. Benedict over a year ago for the removal of the barn on her property on PJ Keller Hwy. At the time those bids ranged from \$9-12,250. Mohr suggested that in order to avoid any further legal expenses, and in order to satisfy TIF requirements (property is in the Lexington TIF District), the City should use TIF funds to get the barn removed, use available fill from the sewer project to fill in the foundation, and file a lien on the property for expenses. The percent at which Ms. Benedict repays the City will be determined by the proposal being written by Attorney Miles. The installation of the sewer should make the site more attractive to buyers. Those buyers would also be able to come to the City with a zoning change request. Avoiding further legal fees, eliminating blight, eliminating a health and safety risk, and making property available for development which could generate sales tax, property tax, and employment would seem the best solution to the situation.

Committee Reports:

Mayor: 1) Alderman Miller will look into getting the process started for obtaining tax exemption on the wastewater treatment plant site and the small garage north of City Hall. 2) Mayor Mohr will be getting a response together to a list of sewer-related questions received from a citizen. Mostly concerning homeowner costs, the response will be placed on the City website and City newsletter. Until the City has firm commitment from funding sources, many unknowns remain and therefore costs to citizens cannot be determined. 2) Bill Elias has volunteered to help in cataloging sewer hookup locations. No homeowner connections will be made until spring of 2011 at the earliest. 3) Of the 2 remaining residences to be connected to City water in Timber Ridge, one has come to the City for assistance in getting that connection made. The well/pump at the property has failed, and homeowners do not have the funds needed to get the necessary connection made. In response, the City contracted services to complete the hook-up, devised a promissory note that has been signed by the homeowners for repayment in monthly installments, and filed a lien on the property to secure the note.

Police: Alderman Brill reported that the committee had met this evening. Minutes of that meeting will be available soon. It was reported that Jason Edmunds has obtained employment with State Farm. It was also noted that a meeting with attorneys will be held Wednesday morning to establish the pay scale and benefits for part-time officers.

Building/Insurance: Alderman Miller reported that Rowe Construction has moved temporary offices in at 117 N Vine St and paid the first month's rent.

Finance/TIF: Alderman Winterland reported that the Motor Fuel audit has been completed and all records are in order. He is still looking for a time to set up a TIF Committee meeting. Mayor Mohr suggested that the current request could probably be discussed by the entire council at the July 26 meeting, and eliminate the need for a meeting.

Water: None

Sanitation: Alderman Fiero is still waiting on word regarding some grants that have been applied for. She is also still trying to set up a meeting with Dan Winters of Allied Waste to discuss their proposal for moving Lexington garbage service to totes similar to those used for recycling.

Street: Alderman Cole asked if some solution for picking up branches from residences could be worked out during sewer construction. Mayor Mohr suggested that perhaps an outside contractor could be found who would perform that service while City staff is busy working with sewer contractors and engineers.

There being no further business, it was moved by Alderman Miller and seconded by Alderman Winterland to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Margaret Quinley, City Clerk

Approved: 7-26-2010