

## REGULAR MEETING OF THE LEXINGTON CITY COUNCIL

October 14, 2013

The regular meeting of the Lexington City Council was called to order at 7:30 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 Johansen, Alderman Miller, Alderman Phelps, Alderman Revelle and Alderman Brill. Members of the staff and public present were: Melanie Kunkel, Sue Noland, Terry Martin, Anita Martin, Mike Tibbs, Mike Beard, Don Cavallini, and TJ Rodebaugh.

It was moved by Alderman Phelps and seconded by Alderman Miller to approve the September 23, 2013 Council Meeting minutes. Motion carried unanimously.

It was moved by Alderman Revelle and second by Alderman Brill to approve the treasurer's report and pay bills in the amount of \$26,473.59. Motion carried unanimously.

**Public Input:** Anita Martin addressed the council members regarding a letter she personally delivered to each Alderman after a year and half has gone by since their initial complaint about the aggressive pit bull that lives behind him. The city subsequently held a hearing where the hearing officer determined that the dog is vicious and that the owners need to comply with the city's ordinance regarding the procedures for housing a vicious animal. Mayor noted that letters have been sent to the dog owners and they have been trying to negotiate a settlement. Mayor told the dog owners the only thing they can do besides comply with the ordinance and pay their fines is to board the dog off premises and outside the city limits. City attorney, Mike Tibbs, noted that the city cannot physically remove the dog from the premises but can file a motion in county court asking a judge to assess fines for each day they are not in compliance with the city code. Mike Tibbs noted that it takes a lot of time for these types of cases to go through the county court system.

### **Old Business:**

**Ordinance Annexing Certain Property Described in the Annexation Petition of Fred Schoening:** Motion by Alderman Brill and second by Alderman Phelps to approve Ordinance 2013-16 Annexing Certain Property Described in the Annexation Petition of Fred Schoening. Motion carries with a vote of 4 yes, 2 no.

**An Ordinance Changing Zoning Classification of a Portion of KW Lexington, LLC:** Motion by Alderman Phelps and second by Alderman Miller to approve Ordinance 2013-17 an Ordinance Changing Zoning Classification of a Portion of KW Lexington, LLC. Alderman Miller asked the Mayor and received verification that the remaining parcel of land that was not rezoned and will have to come before the Zoning Board of Appeals and council for rezoning in the future. Motion carries with a vote of 4 yes, 2 no.

**A Resolution Approving the Final Plat for KW Lexington, LLC:** Motion by Alderman Miller and second by Alderman Brill to approve Resolution 2013-9 A Resolution Approving the Final Plat for KW Lexington, LLC. Motion carries with a vote of 4 yes, 2 no.

## **New Business:**

**New Meter Approval:** Water Superintendent Mike Beard indicated that he is out of water meters at this time and, in order to purchase new ones, will have to purchase from a new company as the meters currently installed in homes have been discontinued. He is asking to upgrade to meters that can be read from the city vehicle passing by rather than one that has to be manually scanned. He is looking to purchase a small amount at this time to have on hand for new installations. A representative from Neptune, a water meter manufacturer, addressed the council regarding his product and brought several types of meters. Mike is looking to purchase roughly \$20,000 worth of meters which he feels should hold him over until the water treatment plant funds come through. At that time he will purchase the rest of the meters and roll the cost into the cost of the water treatment plant. The money being used to pay for these meters would come from accumulated interest on a CD the city has. Motion by Alderman Cole and second by Alderman Johansen to acquire \$18,000 worth of meters and associated equipment. Motion carried unanimously.

**Senior Turkey Dinner:** Motion by Alderman Revelle and second by Alderman Phelps to pay \$300 for the senior turkey dinner. Motion carries unanimously.

Motion by Alderman Revelle and second by Alderman Phelps to enter into closed session under Section 2(c)(11) to discuss possible imminent litigation. Closed session entered at 8:18 pm.

9:30 p.m. resumed regular meeting session.

## **Committee Reports:**

**Mayor:** None

**Police:** Alderman Phelps discussed Ernie Swartz's ordinance violation for dumping concrete at the city's vegetative dump site. Alderman Phelps reached an agreement with Mr. Swartz to waive the fine as long as he cleans up the debris in his front yard. The council would prefer the city fine Mr. Swartz's as they feel he dumped the concrete after a city employee caught him in the act and advised him against doing so. Mayor asked Alderman Phelps execute the council's order and issue the fine.

**Building/Insurance:** Alderman Miller contacted the city's medical insurance representative, Devon Bernstein, notifying him that the city wants to lock in the insurance premium rate.

**Finance/TIF:** -None

**Water:** None

**Sanitation:** None

**Streets/Alleys:** Alderman Brill asked for the Mayor's guidance on three street repair items. He noted that Pine Street is rough to drive from Concord to Diane. The estimate to repair it is roughly \$9,500. The city needs to pave the entrance to the sewer plant. The estimate is \$4,500. The alley behind the auction house needs to be widened per an agreement the city had with Mr. Koch. The estimate is \$3,000. Mayor asked Alderman Phelps to see if Bill Elias had previously put these items in his budget. If it is a new expense, Mayor would like them to hold off. If the item was budgeted for, the city should move forward. Mayor also asked Alderman Phelps to check the easement plats in the file with the sewer project to find the specifications for widening that alley.

There being no further business, it was moved by Alderman Miller and seconded by Alderman Johansen to adjourn at 9:45 p.m. Motion carried by unanimous voice vote.

Respectfully submitted,

Melanie Kunkel, City Clerk

Approved: 10/28/2013