

LENNOX CITY COUNCIL REGULAR MEETING
MONDAY, JUNE 11, 2012 7:00 P.M.
LENNOX CITY HALL - 107 S. MAIN ST.

Members present: Orville, Wiebers, Mayor. Aldermen present: Ty Serr, Tracy West, Greg Poppenga, Glenn Nelson, Mike Gregg, Darin Olson. Staff Present: David Schonhardt, Finance Officer, Greg Stack, Public Works Director, Russ Nelson, Police Chief, Dave Tipton, Streets Superintendent, Roger Almond, Water Superintendent, Brooke Fodness, Pool Manager, Rich Schriever, P&Z Chairman, Orville Jorgensen, police officer, Dawn Reif, administrative assistant. Others Present: Mitch Mergen of Stockwell, Wayne Peterson, Tom Frieberg of Frieberg, Nelson and Ask, Dan Nelson of Midcontinent Communications, Debbie Schmidt of *The Independent*, Gail Strasser, Dorothy Nordman, Rita Novak, Tanya Schmidt, Joyce Oltmans, Jesse Maeyaent, James Dover, Bill Walton, Wilson Manges, Leanne Yungwirth.

At 7:00 p.m. Mayor Orville Wiebers called the meeting to order and all present recited the Pledge of Allegiance.

Motion by West, second Serr to approve agenda. Upon voice vote, all members present voted aye. Motion carried.

Motion by West second Poppenga to approve minutes of May 14, 2012 regular meeting, May 29, 2012 Special Meeting. Upon voice vote, all members present voted aye. Motion carried.

Motion by Gregg second Poppenga to approve May 2012 claims. Upon roll call vote, all members present voted aye. Motion carried.

Motion by West second Gregg to approve May 2012 payroll report. Upon roll call vote, all members present voted aye. Motion carried.

No visitors sought to be heard.

Motion by Serr second Olson to approve Finance Officer's report. Upon voice vote, all members present voted aye. Motion carried.

OLD BUSINESS:

Brooke Fodness appraised the Council of the pool opening, said that the city pool will be open, weather permitting, Thursday or Friday. Discussed also the complications that have arisen with the delay in opening and the swimming lesson schedule. Consensus by council to refund money to those who have purchased swimming lesson time but are unable to attend later sessions. Discussion also about a few misplaced items and reporting. Finance Officer presented final bill from Gordon Contracting. Discussion also about needing the warranty from Gordon on labor and paint.

Mayor declared first reading of Amendment to Ordinances regarding City Administrator language.

Motion to table Ordinance regarding Unseemly or Lewd Behavior for the police committee to review with city attorney.

Update by Mitch Mergen of Stockwell on 4th Avenue. No action taken.

Chief Nelson reported that he had found no information on prescription drug collection. Suggested that the liability may be too great to accept.

Discussion regarding the report on smoking in Beamers with Tom Frieberg. Informed the council that owners, operators and managers have an affirmative duty to inform smokers

that smoking is a violation of state law. Discussion followed regarding enforcement procedure.

NEW BUSINESS:

Motion by Gregg second West to spray for mosquitos in Chancellor at the rate of \$180/hr. Upon roll call vote, all members present voted aye. Motion carried.

Motion by Poppenga second Olson to accept the resignation of Cleo Curtis. Upon voice vote, all members present voted aye. Motion carried.

Motion by West second Gregg to advertise for the assistant librarian position. Upon voice vote, all members present voted aye. Motion carried.

Motion by Serr second Nelson to block off Second Street from Main to Juniper for a motorcycle rodeo sponsored by the American Legion from 12:00 am to 6:00 pm on August 18, 2012. Upon roll call vote, all members present voted aye. Motion carried.

Mayor declared first reading of amendment to Ordinance 6.0501

Consensus of council to revise draft of resolution #2012-06-11-01. Schonhardt, Stack and Almond will review and revise.

Motion by Gregg second Poppenga to approve Resolution #2012-06-11-02. Upon roll call vote, all members present voted aye. Motion carried.

Discussion by council regarding the proposed Library Consortium. No action taken.

Motion by West second Olson to declare defibrillator sale by closed bid and receive bids.

Finance Officer opened and read bids from:

- Avera McKennan School of EMS for \$3,500
- DRE Medical for \$3,000
- ReMed Equipment for \$4,500

Motion by West, second Olson to accept bid from ReMed Equipment for \$4,500.

Motion by West, second Serr to paint the front of City Hall. Upon voice vote, all members present voted aye. Motion carried.

Dan Nelson presented the possibility of having Midcontinent enter into a video service franchise agreement with the City of Lennox. Consensus of council to move forward. Mayor declared first reading.

Discussion regarding the possible regionalization of Worthing, Chancellor and Lennox wastewater. Mayor clarified that the Lennox wastewater treatment plant has the capacity to process wastewater from other municipalities and wishes to discuss that with the other municipalities.

Mike Gregg proposed that the city conduct a survey of the Sanitary Sewer system. Greg Stack discussed the process of moving forward. Motion by Gregg, second Poppenga to start the process of surveying the Sanitary Sewer system.

Discussion led by Mike Gregg regarding insurance for water data collection and sirens.

Discussion by council regarding some pools that had been erected without surrounding fences.

COMMITTEE REPORTS:

- Streets/Water/Sewer: Collector on North Tower went down, second collector being installed on South Tower. Preparing for mosquito spraying, clean up days was successful. Discussion also regarding speed on Blaine and 4th.
- Zoning: Discussion regarding voluntary annexation at last meeting, discussion also regarding the rural urban services district.

- Police/Fire: discussion regarding the smoking and open pools.
- Park/Recreation/Pool: updates to pools have been discussed, park and rec both moving along for the summer. LBA still working on getting middle ball diamond lit. Discussion also about unfenced pools. Tom Frieberg advised the council that a violation has recourse to a civil action, that may be brought by the building official. Advised that the city has the authority to issue a notice of violation and, if not followed, to empty and remove pools, and to issue administrative fines. Consensus by council to have Tim Odland pursue process.
- Finance/Library: discussed feedback that has been given regarding the financial status of the city, including feedback from other finance officers and knowledgeable parties. Discussed possibility of paying off SRF loan, fire truck, or paying for infrastructure.
- Buildings/Solid Waste/Recycling/Weeds: Discussed some weeds near the pool.
- Health/Ambulance/Goals/Accomplishments: Sold defibrillator. Discussed also some rock and dressing up the ambulance building. Discussion also about changing the ambulance driver age to 18.

Motion by West second Nelson to approve committee reports. Upon voice vote, all members present voted aye. Motion carried.

Motion by Nelson second West to enter into executive session for legal and personnel. Mayor declared opening of executive session at 9:55.

Motion by Nelson second West to leave executive session. Mayor closed executive session at 10:45.

Consensus by council to not pay Gordon Contracting until the warranties are guaranteed.

Consensus of council to have Total Tree Service grind selected stumps.

Discussion of council to have the ambulance mail not be opened by the city administrative assistants. Consensus of council to have HIPPA regulations reviewed to ensure that no violation occurs and to review process of mail reception to see if it can be filtered without opening.

Motion by West, second Serr to re-convene executive session at 10:55. Mayor declared executive session open.

Motion by Nelson second West to close executive session at 11:00. Mayor declared executive session closed.

Motion by West second Gregg to adjourn. Mayor Wiebers declared the meeting closed at 11:10 p.m.