

CITY OF LENOX

CITY COUNCIL REGULAR MEETING MINUTES

July 24, 2023 · 5:30 p.m. · City Hall

A regular meeting of the Lenox City Council was called to order by Mayor ProTem Bowman on July 24, 2023 at 5:30 p.m. at City Hall with the following council members answering roll call: Bowman, Tull, Zabel and Cruz; Nelson was absent. Staff present was City Clerk, Dawne Bowman, City Administrator, Allison Kitzman and Gas Superintendent, Lynn Christensen. Others present were Will Fargo, Deputy Pafford, Antonio Munoz, Matt Garwood and Colleen Larimer.

Tull made a motion to approve the agenda, seconded by Cruz, all ayes, motion carried. Zabel made a motion to approve 7/10/23 minutes, seconded by Tull, all ayes, motion carried. Zabel made a motion to approve the payment of bills, seconded by Tull, all ayes, motion carried.

There was a hearing to Appeal the Mayor's Order to Remove Vicious Animals from 507 West Ohio. Kitzman discussed 2 dogs at that residence that are a danger to the public. Antonio Munoz was present and explained that his dogs are part of his family; however, he understands that he has not been responsible with them, as they are let out of the house without leashes. Kitzman explained the multiple conversations she has had with Munoz and the lack of follow through from Munoz. There have been several citations regarding these dogs, City Hall receives complaints daily on the dogs running loose, chasing people, and have bitten people as they are walking. Kitzman explained there are two dogs at the property named Rocco and Bella that have bitten at least 6 people that the City is aware of. Kitzman urged the council to affirm the Mayor's decision as the lack of cooperation of the owners and the vicious tendency of the dogs is creating a danger to the public. Deputy Pafford spoke about the interactions the Sheriff's Department has had with Munoz and the dogs and has requested the council affirm the Mayor's decision to remove the dogs from city limits or have them destroyed as the Lenox Code states. Tull explained of many instances of the dogs at the Tiger Den, growling at employees and customers to the point of being fearful to get out of their vehicle. Kitzman also explained that the dog that is currently in quarantine has 6 puppies, and they legally belong to Munoz, along with another dog he has at home, so there will still be dogs at that residence. Munoz stated that he will prepare the puppies to be on their own then plans to get rid of them.

Bowman made a motion to affirm the Mayor's order to remove the vicious animals from 507 West Ohio, seconded by Tull. Roll call votes-all ayes, motion carried. Kitzman explained to Munoz that she will assist him in finding homes for the puppies if needed and that if this order is not complied with, the City is willing to pursue any legal and criminal action against the owners.

Will Fargo, Garden and Associates presented to the council on the progress of the walking trail project, as it has been slowed down due to rain, but plans to be complete in a couple of weeks. They have been working with residents to ensure proper access. Fargo explained that they will be skipping a couple of intersections at this time, due to the water project. They will return after the water project is complete and finish Iowa/Locust St. and Temple/Locust St. intersections. Tull made a motion to approve Pay Request #2 for Walking Trail Phase 1 & 2 in the amount of \$91,257.00, seconded by Cruz, all ayes, motion carried.

Zabel made a motion to approve 3rd Final Reading of Ordinance 392 Amending Sewer Service Charges, seconded by Tull, all ayes, motion carried.

Bowman made a motion to approve 2nd Reading Ordinance 393 Vacating North Saunders Street, seconded by Zabel, all ayes, motion carried.

Bowman approve waiving the 3rd Final Reading Ordinance 393 Vacating North Saunders Street, seconded by Cruz, all ayes, motion carried.

Tull made a motion to approve CDBG Draw Request #5 for LMU Water Project in the amount of \$44,753.00, seconded by Cruz, all ayes, motion carried.

Zabel made a motion to approve Jennie Tyler to Low Rent Housing Board for fill unexpired term, ending 2/2024, seconded by Cruz, all ayes, motion carried.

Kitzman discussed an Encroachment Consent and Crossing Agreement with Prescott Wind Energy LLC. The City of Lenox currently has easements for our gas transmission line in Adams County and this agreement would allow Prescott Wind Energy, LLC to cross over our easements to construct wind turbines in Adams County. This would consist of building gravel roads over our easement and also burying electrical cable below our gas lines. Matt Garwood with Prescott Wind Energy, LLC was present to answer any questions about the agreement. Gas Superintendent Christensen added that our current gas line is 3-4 ft deep. Zabel asked if this was a common practice, building over a gas line. Garwood explained that it is common, while Christensen stated he did not foresee issues with the agreement. Garwood also mentioned that they would pay to have someone on-site for inspection purposes. Kitzman added that the council can change the daily inspection rate portion of the agreement if they felt it needed changed. Attorney Hanson has approved the agreement. Zabel made a motion to approve Encroachment Consent and Crossing Agreement with Prescott Wind Energy LLC, seconded by Cruz, all ayes, motion carried.

Kitzman discussed quotes for new electronic reading transmitter for gas system. We are currently using Neptune electronic meter system and they are no longer supporting our electronic reading transmitters. Because Neptune will no longer support our transmitters, we are forced to switch brands. We received quotes for ITRON transmitters from Metering Technologies and Van Wert. The quotes included an option to replace our current Neptune transmitters with the same capabilities but ITRON brand or ITRON offers a Cellular Meter Reading Option. Kitzman discussed the capabilities of cellular versus our current reading system, such as retrieving meter readings from the office. It was the recommendation of the gas committee to upgrade our current system with a cellular option because if we have no choice but to change brands, we should upgrade to the newest technology. Zabel made a motion to approve the cellular option of ITRON meters with Van Wert in the amount of \$95,250 plus a monthly data plan, seconded by Tull, all ayes, motion carried. Kitzman explained that this will be for Lenox Gas System only at this time, it will not include Prescott Gas System. Christensen explained that once the equipment arrives, they should be able to get everyone switched over in a few months; however, due to supply chain issues, this will not be until 2024.

Kitzman discussed the purchase of 2023 Ford F450 truck for the Fire Department. This has been previously approved; however, due to the extended time frame, we were recently notified that it was in. Tull made a motion to approve Purchase of 2023 Ford F450 Truck for the Fire

Department in the amount of \$53,119.00, seconded by Cruz, all ayes, motion carried. Kitzman added the funding will be \$30,000 ARPA, \$10,000 LOST, with the remaining coming from the General Account.

Zabel made a motion to approve Resolution 23-25 Approving American Rescue Plan Act (ARPA) funds, seconded by Tull, all ayes, motion carried. Kitzman stated that the City of Lenox received \$207,687.37 in ARPA funds with 2 projects approved: \$30,000 for the 2023 Ford F450 truck for Fire Department and the remaining to be used for the sewer lining project.

Tull made a motion to approve Ramsey's Market Cigarette/Tobacco/Nicotine/Vapor Permit, seconded by Cruz, all ayes, motion carried.

Tull motioned to adjourn the meeting, Cruz seconded, all ayes, motion carried. Meeting adjourned at 6:20 PM.

Mayor ProTem

City Clerk