

**LENNOX CITY COUNCIL REGULAR MEETING
MONDAY, AUGUST 11, 2014
LENNOX CITY HALL – 107 S MAIN ST.**

The regular meeting of the Lennox City Council was called to order by Mayor Wiebers at 7:00 PM and all present recited the Pledge of Allegiance. Members present were Orville Wiebers, Tracy West, Darin Olson, Greg Poppenga, Russ Nelson, Phillip Fett and Mike Gregg. Staff present was Finance Officer Jerry Jones, Water Supt. Roger Almond, Street Supt. Dave Tipton, and Dawn Reif. Other present were Paul Jacobson, Wayne Peterson, Mitch Mergen, Debbie Schmidt, Carol and Rowan Doorn, Glenn Nelson, Brett Lovrien, Stacy DuChene, Suzanne Reedy, Daryl Elcock, Richard Schriever and Mark Steck.

AGENDA:

Mayor Wiebers asked for additions to the agenda and with no additions, motion by Gregg, second by Poppenga to approve the agenda as presented. Motion carried.

MINUTES:

Motion by West, second by Olson to approve the minutes of the July 14, 2014 regular meeting. Motion carried.

PAYROLL REPORT:

Motion by Gregg, second by Poppenga to approve the July 2014 payroll report. Upon roll call vote, all present voted aye. Motion carried.

CLAIMS:

Motion by West, second by Olson to approve July 2014 claims as presented. Upon roll call vote, all present voted aye. Motion carried.

ACE	MUSEUM GRASS SEED	\$196.11
AMBILL ASSOCIATES	AMB JULY BILLING	\$490.00
ARROW MANUFACTURING	AMB	\$19.96
AVERA MCKENNAN PHARMACY	AMB JULY MEDS	\$22.24
BARNES & NOBLE	LIB BOOKS 25	\$465.73
BOUND TREE	AMB SUPPLIES	\$417.95
BROCK WHITE COMPANY	STREET PAVED CRACK SEAL	\$2,452.03
BRYAN ROCK	REC	\$1,218.22
CADWELL SANFORD DEIBERT & GARR	LEGAL FEES	\$6,114.00
CARDMEMBER SERVICE	REPAIR AND SUPPLY	\$155.00
CENEX FLEETCARD	FUEL	\$1,758.91
CONCRETE MATERIALS	STREET ASPHALT	\$1,437.00
CONSULTANTS INC	POOL	\$507.10
DAKOTA PUMP & CONTROL	SEWER NORTH LIFT	\$846.94
DANKO	FIRE EQUIP	\$1,646.33
DAUBYS	BASEBALL BALLS & MEDALS	\$136.00
DAVES SERVICE & REPAIR	STREET	\$1,721.07
DIAMOND VOGEL	STREET	\$375.25
DAKOTA SUPPLY GROUP	WATER	\$347.77
EVELYN METCALF	GEN JULY	\$50.00
FIRST RATE EXCAVATE	STORM SEWER REPAIR	\$2,622.46
FLOWERS BY BOB	GEN FLOWERS FUNERAL RUBBLE	\$50.00

FRANTZEN REPORTING	POLICE TRANSCRIPTION FEE	\$30.80
HAWKINS, INC	POOL	\$5,010.35
HEALTH POOL	HEALTH INSURANCE	\$72.45
HEALY RUFF	WASTE WATER	\$614.00
HILLYARD	POOL CLEANING SUPPLIES	\$182.78
HINKER, JACOB	REC 2@20 LITTLE LEAGUE	\$40.00
INDEPENDENT PUBLISHING	PUBLISHING	\$338.74
KNOLOGY, INC,. DBA WOW!	PHONE AND CABLE	\$1,337.70
LACEY RENTALS INC	REC JULY USE	\$110.00
LEWIS & CLARK REGIONAL WATER S	WATER JULY USE 3,428,284 GAL	\$7,106.43
LUZE, MATTHEW	REC 2@20 LITTLE LEAGUE	\$60.00
LYLE SIGNS INC.	STREET TUBE/BOLT FOR HOME SIGN	\$135.13
MARCO, INC.	FIN	\$201.38
MATHESON LINWELD	AMB	\$55.40
MIDAMERICAN ENERGY	SEWER LIFT	\$169.12
MOORE, DALLAS	REC 1@20 LITTLE LEAGUE	\$20.00
PETTY CASH	GEN	\$42.23
QUALIFIED PRESORT	UTILITY BILLS	\$519.90
SANITATION PRODUCTS	INT. TRUCK/SNOW PLOW	\$66,596.00
DBA RURAL ROUTE 1 SERVICES	OFFICE RUGS	\$115.00
SCHMADER ELECTRIC	GEN SIREN MAINTENANCE2014	\$1,169.00
SCOTT BOLTE SANTITATION	TRASH PICKUP	\$224.41
SD ASSOCIATION RURAL WA	WATER ANNUAL CLASS B DUES	\$575.00
SD DEPARMENT OF HEALTH	WATER SAMPLES	\$1,275.00
SOUTH DAKOTA PUBLIC ASSURANCE	SEWER	\$80.00
SF TWO WAY RADIO	AMB	\$216.97
SIOUX FALLS HUMANE	POLICE JUNE	\$12.50
SIOUX GLASS & DOOR	MUSEUM	\$663.00
SOUTH LINCOLN RURAL WATER	WATER JULY USED 57000	\$272.30
SOUTHEASTERN ELECTRIC	ARMIN	\$1,139.16
STOCKWELL ENGINEERS	STREET	\$1,315.16
STURDEVANT'S AUTO PARTS	REPAIR	\$191.01
SUNSHINE	SUPPLY	\$525.40
SVEN	SEWER	\$75.67
THE ROAD GUY	SEAL COAT	\$46,562.21
TMC	FIN JULY	\$135.39
TOTAL TREE SERVICE	GEN DEAD ELM ON JUNIPER	\$750.00
VERIZON WIRELESS	CELL PHONES	\$236.66
WIN-911 SOFTWARE	SEWER	\$395.00
XCEL ENERGY	POWER	\$9,435.58
***** REPORT TOTAL *****		\$171,086.46

VISITORS TO BE HEARD:

Suzanne Reedy of 804 S Mckinley addressed the council concerning the sewer backup in her house from the June 16, 2014 rain event. She explained she had over \$10,000 in loss to her property and she did turn in a claim on the City's insurance and her claim was denied. Miss Reedy asked what the City is going to do about her loss. City Attorney Lovrien addressed her questions and concerns of the event. Glenn Nelson questioned the Council

if the City has ordinances that require things to be done in a certain manner. Glenn questioned the Joe Kidd building permit and what happened with the permit to follow through according to the ordinance. City Attorney Lovrien explained the process relating to the building permit and how it was resolved. Glenn also commented on two items that he brought to the attention of the Finance Office and both have been taken care of. Richard Schriever commented that the City Council must follow and enforce the ordinance was adopted by the City. Rowan Doorn questioned why he needs to start over with his development plans and present the plans to the Planning Commission as he states that plan did not change from the first proposal. Mitch Mergen addressed the fact that the plans have changed significant enough to start over with the new proposal for the Planning Commission. Mr. Doorn then addressed the pre-annexation agreement that his convents addressed and the agreement that the City Attorney has drawn up. Mr. Doorn then questioned the letter signed by public individuals to the Lincoln County Planning Commission regarding the expenses to the City for the development. Stacy Duchene of 1013 S Garfield met with the Council to have the questions that were asked at the July regular meeting addressed. PWD Stack was absent for the meeting so Mayor Wiebers read the PWD report concerning the questions. City Attorney Lovrien, Alderman West and Mitch Mergen also addressed concerns in regard to the back up in her home. Stacy also commented on the denial of her claim by the City's insurance company and the sump pump ordinance and the enforcement of the ordinance.

FINANCE OFFICER REPORT: The Finance Officer presented the July 2014 committee budget report and discussed that a special meeting is being planned on August 25, 2014 at 7:00 PM to review the budget for 2015. The first reading of the appropriation ordinance will be held on September 8th and the second reading is planned for September 22nd. The Finance Officer and the PWD are working with Midcontinent on switching phone/cable/internet services from WOW to Midcontinent later this summer or early fall. The elected officials orientation packet from the elected officials workshop was given to each Councilman and the SD Municipal League Conference is scheduled on October 7th through 10th in Spearfish and if anyone would like to attend. Motion by West, second by Nelson to approve the Finance Officers report as presented. Motion carried.

PUBLIC WORKS DIRECTOR REPORT: In absence of the Public Works Director, a written report was presented for the Council's information.

OLD BUSINESS:

Ordinance 545 was presented to the Council for the second reading. After discussion, motion by West, second by Poppenga to approve the second reading of Ordinance 545, amending the revised municipal ordinances of the City by amending Chapter 8.03 Sewer Provisions. Upon voice vote, all present voted aye. Motion carried.

Housing Board Appointment: Motion by Poppenga, second by West to approve the Mayors appointment of Sandy Devries and Kent DeJong to the Lennox Housing Board. Motion carried.

Rail road Auction: Two proposals were requested for auctioneering services to auction the 4 city lots along the north side of the rail road property along Court Avenue. Only one proposal was received from Goeman Auctions and was in the amount of 7% of total proceeds or \$1,000, whichever is greater plus advertising and promotion expenses. Motion by West, second by Nelson to approve the proposal from Goeman Auctions for the auctioneering services and to set a minimum price of \$1,000 per lot. Upon roll call vote, Nelson-aye; Fetta-nay; West-aye; Gregg-nay; Olson-nay; Poppenga-nay; Motion failed on a 4 to 2 vote. Additional discussion was held on how to proceed with the lots and options to sell the properties.

NEW BUSINESS:

Public Hearing: Mayor Wiebers opened the public hearing at 7:55 PM for ordinance 546 which amends parts of Article 7 and Article 12 of Lennox Subdivision Regulations. With no one from the public commenting on ordinance 546, Mayor Wiebers asked for consensus of the Council and declared the first reading of the ordinance 546 as read. The second reading will be held on September 8, 2014. The public hearing on ordinance 546 was then closed.

Mayor Wiebers opened the public hearing at 8:00 PM for ordinance 547 for the rezone of 108 N Main St from CB, central business to LI, light industrial. Mark Steck, owner of Dakota Line commented on the request of the rezone and addressed what his business does and answered questions of the Council. After discussion, Mayor Wiebers asked for consensus of the Council and declared the first reading of ordinance 547 as read. The second reading will be held on September 8, 2014. The public hearing on ordinance 547 was then closed.

Resolution 2014-08-11-01: The resolution 2014-08-11-01, Consenting to Transfer of Franchise from Knology to Clarity Telecom LLC was presented to the Council for approval. After discussion, motion by Nelson, second by West to approve resolution 2014-08-11-01, Consent of Transfer of Franchise and Asset Purchase Agreement dated June 12, 2014 from Knology to Clarity Telecom LLC. Upon roll call vote, all members present voted aye. Motion carried.

Phone/Cable/Internet Service Change: The Council discussed the opportunity to change phone/cable/internet service from Knology WOW to Midcontinent. The Finance Officer reported on the service that Midcontinent will do for the City and reviewed the savings on charges that will be realized. After further discussion, motion by West, second by Gregg to approve and authorize the change over from Knology WOW to Midcontinent and to have fiber optics line be placed between City Hall to the Ambulance Service Building, the Police Station and the Fire Dept. Upon roll vote, all members voted aye. Motion carried.

Subdivision Regulation Authorized Official: Motion by West, second by Olson to approve the Mayor's appointment of PWD Greg Stack as the authorized official to administer the Lennox Subdivision Regulations. Motion carried.

Engineering Agreement for Highway 17 Project: A contract from Stockwell Engineers was presented to the Council for the extension of storm sewer, sanitation sewer and water lines in conjunction with the Highway 17 Project between Boyton Avenue and Highway 44. The design phase of the contract is in the amount of \$42,215.00. After discussion, motion by West, second by Gregg to approve the contract for engineering services with Stockwell Engineering for the Highway 17 project. Upon roll call vote, all members voted aye. Motion carried.

Resolution 2014-08-11-02: The resolution 2014-08-11-02 Land and Water Conservation Fund application sponsorship to help fund the City Swimming Pool Project. Upon discussion, motion by Gregg, second by Nelson to approve resolution 2014-08-11-02 Land and Water Conservation Fund Application Sponsorship. Upon roll call vote, all members voted aye. Motion carried.

Park and Recreation Board Appointment: Motion by West, second by Poppenga to approve the Mayor's appointment of Kara Spieler to the Park and Recreation Board replacing Cara Dinauski who has resigned. Motion carried.

Project Bid Letting Timing: The Council addressed the timing of bid letting for future projects to be able to get the most beneficial prices for the project. Mitch Mergen addressed the concern on getting the bid letting in early to mid January 2015 instead of December 2014 as contractors would not be ready to put bids together during the holiday season. The Council also discussed adding the alley project to the bid letting for the Central Basin Project to possibly get a better price for that project also.

Personnel: The Council was presented a payroll projection schedule for all city employees and an additional projection schedule for the Police Dept which included a \$1.50 per hour increase. After further discussion, motion by Poppenga, second by West to increase the hourly wage and salary of employees of the Lennox Police Department \$1.50 per hour effective August 1, 2014. Upon roll call vote, all members present voted aye. Motion carried.

Councilman Olson stated that the employee evaluation of Chad Skiles have been completed and recommended that Chad receives the \$.50 per hour increase effective August 1, 2014. Motion by Olson, second by Gregg to approve the \$.50 per hour increase in wage for ambulance employee Chad Skiles effective August 1, 2014. Upon roll call vote, all members present voted aye. Motion carried.

Executive Session: Motion by West, second by Olson to go into executive session at 8:32 PM to discuss legal matters. Motion carried. Mayor Wiebers declared executive session open. Mayor declared executive session ended at 9:10 PM with no action taken.

Adjournment: With no further business, motion by West, second by Olson to adjourn at 9:12 PM. Motion carried

ATTEST: _____
Jerry Jones Finance Officer

Orville Wiebers, Mayor