

**LENNOX CITY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 12, 2013 6:30 P.M.
LENNOX CITY HALL - 107 S. MAIN ST.**

At 6:29 p.m. Mayor Orville Wiebers called the meeting to order and all present recited the Pledge of Allegiance.

Motion by West, second by Gregg to enter executive session to discuss and understand what the considerations for rezoing are. Upon voice vote, all members present voted aye. Motion carried. Mayor Wiebers declared executive session open at 6:30 p.m.

Motion by West, second by R. Nelson to exit from executive session. Upon voice vote all members voted aye. Motion carried. Mayor Wiebers declared executive session closed at 6:53 p.m.

At 7:00 p.m., meeting reconvened.

Members present: Orville Wiebers, Tracy West, Darin Olson, Mike Gregg, Greg Poppenga, Glenn Nelson, Russ Nelson. Staff present: Greg Stack, Roger Almond, Dave Tipton. Others present: Wayne Petersen, Joe Kidd, Paul Jacobson, Marlyn Jacobson, Gene Kuper, Seth Hyberger, Toby Brown, Donna Kniffen, Don Kniffen, Guy Brown, Frank Jacobson, Pam Van Middendorp, John A. Kirchner, Nicole Olson, John P. Steever, Mitchell Mergen, Tim Odland, Rita Novak, James Dover, Issac Latterell, Laura Thiesse, Debbie Schmidt.

Mayor Wiebers asked for additions to the agenda. None were made.

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

Motion by Poppenga, second by Gregg to approve October 15, 2013 regular meeting minutes and October 21, 2013 special meeting minutes, and October 28, 2013 special meeting minutes. Gregg said he was at both the October 21st and October 28th meetings. Motion was amended to include Gregg attending both October 21st and October 28th meetings. Upon voice vote, all members present voted aye. Motion carried.

Motion by Poppenga, second by Gregg to approve October 2013 claims. Upon roll call vote, all members present voted aye. Motion carried.

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
INDEPENDENT PUBLISHING	PUBLISHING	907.65
CADWELL SANFORD DEIBERT & GARR	LEGAL SERVICES	2,479.74
DBA RURAL ROUTE 1 SERVICES	FIN	42.55
KNOLOGY, INC., DBA WOW!		171.79
MIDAMERICAN ENERGY		9.67
XCEL ENERGY		63.55
CARDMEMBER SERVICE		7.00
DATA TECHNOLOGIES	FIN	606.70
HEALTH POOL	COBRA JUDY FETT NOV	566.37
AVENET	GOV OFFICE WEB SITE	500.00
EVELYN METCALF	GEN CLEANING OCT	100.00
DBA RURAL ROUTE 1 SERVICES	GEN	72.45
PITNEY BOWES		20.00
SUNSHINE		22.97
KNOLOGY, INC., DBA WOW!		292.51
MIDAMERICAN ENERGY		16.46

SCOTT BOLTE SANTITATION		46.87
VERIZON WIRELESS		12.44
XCEL ENERGY		108.22
DATA TECHNOLOGIES	GEN	158.63
REGISTER OF DEEDS	GEN	14.00
SD MUNICIPAL LEAGUE	GEN MEMBERSHIP DUES 2014	1,355.90
CARDMEMBER SERVICE		7.00
FEDEX	POLICE	11.47
NEVES UNIFORMS	POLICE CHAD'S UNIFORM	163.80
SUNSHINE		33.06
CHAD PAPKE	POLICE TRAINING	183.12
ORVILLE JORGENSEN	POLICE INVESTIGATE	46.87
MIDAMERICAN ENERGY		13.00
VERIZON WIRELESS		64.09
XCEL ENERGY		121.35
DATA TECHNOLOGIES	POLICE	271.63
SOUTH DAKOTA POLICE	POLICE 2014 MEMBERSHIP DUES	97.96
CARDMEMBER SERVICE		7.00
KNOLOGY, INC.,. DBA WOW!		195.51
DAVES SERVICE & REPAIR	POLICE	18.69
JERRYS AUTO BODY	POLICE REPAIR TO CAR DOOR	2,445.88
CENEX FLEETCARD		507.09
DAVES SERVICE & REPAIR	POLICE	137.55
VINYL GRAPHICS	POLICE	151.03
ALLEGIANT EMERGENCY SERVICES	FIRE HYDRO TESTING	304.84
MARCO, INC.	FIRE	199.40
SF TWO WAY RADIO	FIRE	236.92
TRI-STATE GARAGE DOOR INC	FIRE	1,925.84
CENEX FLEETCARD		180.20
DAVES SERVICE & REPAIR	FIRE	104.99
KNOLOGY, INC.,. DBA WOW!		105.46
MIDAMERICAN ENERGY		56.75
XCEL ENERGY		110.58
DATA TECHNOLOGIES	FIRE	181.23
STAN HOUSTON EQUIPMENT	STREET	100.00
DIAMOND MOWERS	STREET	29.44
ACE	STREET SUPPLIES	81.44
CENEX FLEETCARD		262.55
DAVES SERVICE & REPAIR	STREET	143.03
PITNEY BOWES		20.00
STURDEVANT'S AUTO PARTS	STREET	266.24
KNOLOGY, INC.,. DBA WOW!		30.64
MIDAMERICAN ENERGY		8.18

SCOTT BOLTE SANTITATION		43.71
VERIZON WIRELESS		24.88
XCEL ENERGY		45.21
DATA TECHNOLOGIES	STREET	339.42
STOCKWELL ENGINEERS	STREETS PAVED	1,563.55
CONCRETE MATERIALS	STREET UPM HIGH PERFORM	180.18
LYLE SIGNS INC.	STREET	394.16
STOCKWELL ENGINEERS	STORM	1,583.70
DAKOTA SUPPLY GROUP	STORM	164.00
STAN HOUSTON EQUIPMENT	STREET	250.00
XCEL ENERGY		4,312.98
FARM GAS CO-OP ASSOC.	STREET	86.75
GARY JONGELING	STREET SNOW REPAIR	192.44
NORTHERN TRUCK EQUIP	STREET SANDER	100.90
STURDEVANT'S AUTO PARTS	SANDER	16.94
FARM GAS CO-OP ASSOC.	STREET	63.96
DATA TECHNOLOGIES	RUBBLE	181.23
DATA TECHNOLOGIES	WEED	31.73
SOUTH DAKOTA PUBLIC ASSURANCE	AMB NEW AMB	297.00
DAKOTA BUSINESS SERVICES	AMB SEPT OCT BILLING	1,464.00
SF TWO WAY RADIO	AMB	139.99
STURDEVANT'S AUTO PARTS	AMB	35.77
AVERA MCKENNAN PHARMACY	AMB MEDS OCT	19.35
BOUND TREE	AMB SUPPLIES	1,742.42
CENEX FLEETCARD		155.72
DAVES SERVICE & REPAIR	AMB	15.73
MATHESON LINWELD	AMB	197.02
PITNEY BOWES		20.00
NICK BUEHNER	AMB EMT COURSE	200.00
KNOLOGY, INC., DBA WOW!		116.62
SCOTT BOLTE SANTITATION		11.33
VERIZON WIRELESS		64.09
XCEL ENERGY		92.31
CARDMEMBER SERVICE		7.00
DATA TECHNOLOGIES	AMB	271.63
TESSMAN COMPANY		267.75
SCOTT BOLTE SANTITATION		121.81
XCEL ENERGY		246.60
CARDMEMBER SERVICE		7.00
DATA TECHNOLOGIES	REC	45.20
LENNOX MUNICIPAL BAND		12.42
LENNOX MUNICIPAL BAND		3,107.58
XCEL ENERGY		11.38

DATA TECHNOLOGIES	CONCERT	45.20
KNOLOGY, INC., DBA WOW!		35.06
XCEL ENERGY		9.44
CARDMEMBER SERVICE		7.00
DATA TECHNOLOGIES	POOL	90.38
ACE	SENIOR FIX LIGHTS	16.55
STURDEVANT'S AUTO PARTS	PARK	153.12
TESSMAN COMPANY		267.75
SCOTT BOLTE SANITATION		125.25
XCEL ENERGY		145.81
DATA TECHNOLOGIES	PARKS	112.99
GAMETIME	PARK NEW SLIDE	1,916.69
SUNSHINE		1.30
KNOLOGY, INC., DBA WOW!		49.95
DATA TECHNOLOGIES	LIB	181.23
BARNES & NOBLE	LIB 24 BOOKS	390.32
GALE/CENGAGE LEARNING	LIB	14.40
UNITED CONCRETE INC.	MUSEUM	232.50
MIDAMERICAN ENERGY		23.00
XCEL ENERGY		18.33
LADC		13,389.00
OSHKOSH CAPITAL	FIRE PRINC	61,045.34
OSHKOSH CAPITAL	FIRE INT	24,053.08
ARROW MANUFACTURING	AMB SPARETIRE/BUGSHIELD	566.00
SF TWO WAY RADIO	AMB	609.34
I29 FUELS	WATER GENERATOR	518.16
LEWIS & CLARK REGIONAL WATER S		7,101.79
SOUTHEASTERN ELECTRIC	ARMIN	990.36
MIDAMERICAN ENERGY		67.37
XCEL ENERGY		9.11
SD DEPARTMENT OF HEALTH	WATER	495.00
SUNSHINE		8.85
PARKER LUMBER	WATER	121.17
STOCKWELL ENGINEERS	WATER	1,348.20
TOTAL STOP	WATER	18.85
QUALIFIED PRESORT	WATER	296.46
STOCKWELL ENGINEERS	WATER	1,563.55
CENEX FLEETCARD		157.10
PITNEY BOWES		176.00
SUNSHINE		0.95
KNOLOGY, INC., DBA WOW!		148.74
MIDAMERICAN ENERGY		2.72
SCOTT BOLTE SANITATION		14.57

XCEL ENERGY		15.07
CARDMEMBER SERVICE		7.00
DATA TECHNOLOGIES	WATER	914.40
CARDMEMBER SERVICE		7.00
DATA TECHNOLOGIES	SEWER	914.40
QUALIFIED PRESORT	SEWER	197.64
STOCKWELL ENGINEERS	SEWER	1,563.55
CENEX FLEETCARD		157.10
PITNEY BOWES		164.00
SUNSHINE		8.50
KNOLOGY, INC.,. DBA WOW!		148.74
MIDAMERICAN ENERGY		2.73
XCEL ENERGY		15.07
SD DEPARTMENT OF HEALTH	SEWER	495.00
SOUTH LINCOLN RURAL WATER		122.00
XCEL ENERGY		1,620.04
DAKOTA PUMP INC.	SEWER REPAIR ON LIFT	535.72
LEWIS DRUG	SEWER	2.97
MIDAMERICAN ENERGY		19.87
XCEL ENERGY		276.96
VERIZON WIRELESS		17.67
**** PAID TOTAL ****		
**** SCHED TOTAL ****		158,388.17
***** REPORT TOTAL *****		158,388.17

Motion by Poppenga, second by West to approve October 2013 payroll report. Upon roll call vote, all members present voted aye. Motion carried.

Lisa Thiesse asked the Council the status on her request to consider creating an ordinance that would allow her and others to raise chickens in city limits. Stack advised Council he is discussing the matter with SECOG to address matter. Resolution of the request will be done by next Council meeting.

Finance Officer reported that because of a request from the Finance Committee Chairman for additional information, the October financial report is delayed. The October Finance Officer report will be sent to Council upon completion of the information update request.

OLD BUSINESS:

Discussion held regarding second reading of rezoning of 1256 South Main Street/Adoption. G. Nelson made comments of building permit having no sight plan or drainage plan. Building permits must have sight plan and must follow ordinances. Motion by R. Nelson to approve rezoning of 1256 South Main Street from General Business District to Light Industrial District. Upon roll call vote, all members present voted aye. Motion carried.

NEW BUSINESS:

Discussion held regarding public hearing/resolution of the City submitting an application for an SRF Loan to finance a storm/sanitary sewer construction project for an amount not to exceed \$2,290,000. Seth Hyberger from SECOG gave presentation indicating the worst case scenario for funding would be an annual payment of \$152,681. The increase in the sewer rate would be about \$9.50/month per user. Guy Brown asked how long would paying the existing loan for the WWTF

take. Staff would research to determine time period. Laura Thiesse asked if there would be any repercussions for paying the loan off early. Motion by West, second by G. Nelson to approve a resolution to finance a storm/sanitary sewer construction project for an amount not to exceed \$2,290,000. Upon voice vote, all members present voted aye. Motion carried.

Poppenga left prior to rezoning hearings.

Discussion held regarding first reading of rezoning of 905 South Main Street. Don Kniffen said he had no objection. Mayor Wiebers declared first reading of rezoning of 905 South Main Street from R-2 Residential Multi-Family District to General Business District.

Discussion held regarding first reading of rezoning of Parcel #250.40.32.029 "Old Football Field".

Pam Van Middendorp, 813 S Elm, commented she's opposed to what is going to happen and asked does conservation mean anything anymore? She commented that kids share fond memories at the Old Football Field. She commented it would make people happy if they donated it back. She commented she commented she could not fathom a strip mall there. She commented to leave the football field for what it's intended to be, something has to be done to stop this.

Don Kniffen, 1009 S Cedar commented there are specific drainage issues.

John Kirchner, 901 S Elm, commented Main Street is the Business District and the Old Football Field is floodplain conservation district that is prone to flooding.

Roger Almond, 910 S Elm, commented that he's seen the Old Football Field with 1 ½ to 2 feet of water on it and is concerned about drainage.

Guy Brown, 904 S Elm commented study of drainage says 4' – will that cause water into our basements? He commented he can't develop his land across from a strip mall.

Toby Brown was asked by Council about the comprehensive plan. He commented in 2007 when the comprehensive plan was developed, they looked at the existing land use and future land use. Weight and consideration of public comment was used to determine zoning. The Old Football Field was designated Floodplain/Conservation because it was an open space.

Wayne Peterson commented about the land north of Long Creek Mobile Home Park was being considered by LADC to be developed. It is also zoned Floodplain/Conservation.

Don Kniffen commented that this is the last change to change.

Gene Kuper commented he understood the public's feelings, he played football there too. He commented to stick to the rules. He commented the City needs the tax revenue and that it would benefit the City with business properties.

Mayor Wiebers declared first reading of rezoning Parcel #250.40.32.029 "Old Football Field" from NNRC Floodplain/Conservation District to General Business District. Mayor Wiebers asked for a consensus of Council – G. Nelson, no; West, no; Olson, no; R. Nelson, no; Gregg, no; Poppenga, absent.

Poppenga returned at 8:05pm.

Discussion held regarding Liquor License renewals. American Legion. Both On & Off-Sale. Motion by R. Nelson, second by West to approve American Legion's On & Off Sale liquor license. Upon voice vote, all members present voted aye. Motion carried.

Tea Liquor. Off Sale. Motion by R. Nelson, second by West to approve Tea Liquor's Off-Sale liquor license. Upon voice vote, all members present voted aye. Motion carried.

James A Dover. On Sale. Motion by R. Nelson, second by West to approve James A. Dover's On-Sale liquor license. Upon voice vote, all members present voted aye. Motion carried.

Lawrence Enterprises Inc. Both On & Off-Sale. Motion by R. Nelson, second by West to approve Lawrence Enterprise Inc's On & Off Sale liquor license. Upon voice vote, all members present voted aye. Motion carried.

Discussion held regarding Pay Request #3 – Thompson Electric Emergency Generator Capital Improvements Project. Motion by G. Nelson, second by Olson to approve Pay Request #3 – Thompson Electric for \$105,382.06. Upon roll call vote, all members present voted aye. Motion carried.

Discussion held regarding Water Distribution Hydraulic Modeling Proposal – Stockwell Engineers. Motion by West, second by R. Nelson to approve Water Distribution Hydraulic Modeling Proposal – Stockwell Engineers for \$6,720. Upon roll call vote, all members present voted aye. Motion carried.

Discussion held regarding 4th Avenue Utility Improvements Project – Request for Increased Fees. Motion by West, second by Gregg to approve request for increased fees of \$6,700 to Stockwell Engineers. Upon roll call vote, all members present voted aye except Poppenga. Motion carried.

Discussion held regarding purchase of second Power Cot for Old Ambulance. Motion by West, second by R. Nelson to approve purchase of Power Cot – City share of \$5,184. Upon roll call vote, all members present voted aye. Motion carried.

COMMITTEE REPORTS:

- Streets/Water/Sewer: Gregg reported hydrant flushing was completed. The wastewater plant is running well. The assessment of the odor from the Main Lift Station will be done in the spring because of recommendation by engineer.
- Zoning: G. Nelson reported.
- Police/Fire: Poppenga reported police are busy, new officer is working out.
- Park/Recreation/Pool: Wiebers reported sidewalks for new picnic shelter and baseball diamond are still scheduled for this year.
- Finance/Library: Tracy West reported Lennox Library New Stars received a rating of 4 stars.
- Buildings/Solid Waste/Recycling/Weeds: Russ Nelson reported rubble site will be closing November 23rd for the season.
- Health/Ambulance/Goals/Accomplishments: Darin Olson reported Ambulance Department received an EMS Award of \$100.

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

Motion by West, second by R. Nelson to enter executive session to discuss personnel. Upon voice vote, all members present voted aye. Motion carried.

At 8:48pm, Mayor Wiebers declared executive session open.

Motion by West, second by G. Nelson to exit executive session. Upon voice vote, all members present voted aye. Motion carried.

At 9:36pm, Mayor Wiebers declared executive session closed.

Motion by West, second by Gregg to offer Jerry Jones \$37,500 as Finance Officer and \$40,000 after completion of six-month probation. Upon roll call vote, all members present voted aye. Motion carried.

Motion by Poppenga, second by West to adjourn at 9:39 p.m. Upon voice vote, all members present voted aye. Motion carried.

Mayor Wiebers declared meeting adjourned.

ATTEST:

Orville Wiebers, Mayor

Greg Stack, Interim Finance Officer