

**LENNOX CITY COUNCIL SPECIAL MEETING  
WEDNESDAY, APRIL 22, 2015  
LENNOX CITY HALL – 107 S MAIN ST.**

The special meeting of the Lennox City Council was called to order by Mayor Wiebers at 6:00 PM and all present recited the Pledge of Allegiance. Members present were Orville Wiebers, Tracy West, Mike Gregg, Russ Nelson, Darin Olson and Greg Poppenga. Absent was Phillip Fett. Staff present was Finance Officer Jerry Jones and Public Works Director Greg Stack. Also present were Brett Lovrien, Marlyn Jacobson, Landon Poppens, Glenn Nelson, Rowan and Carol Doorn, Rise Jongeling, Jon Brown, Debbie Schmidt, Judy Fett, and Laveryl Van Ningen.

**AGENDA:**

Motion by Gregg, second by Poppenga to approve the agenda with the addition of utility bill calculation.  
Motion carried.

**Old Business:**

**Court Avenue:** Jon Brown, Stockwell Engineers, reviewed the options for the Court Avenue project and the cost estimates for each option. Jon also responded to the request of the Council of a cost estimate to have a preliminary design completed to have the requested elevations set so the property owners can obtain a building permit to construct buildings on the property. The cost estimate for this information will be approximately \$30,000. Mayor Wiebers asked City Attorney Lovrien to address the list of questions of Rise Jongeling concerning the procedures that were followed concerning the railroad property. City Attorney Lovrien stated that in this case, if procedures were not followed according to city ordinances, there was no harm done to any citizen and he felt that any jury would rule the same way. Mayor Wiebers also asked if the City can consider this issue done or is there something else that needs to be done by the Council? City Attorney Lovrien stated that there is nothing else the City needs to do as this issue have been put to rest. The public has the right to file a formal complaint lawsuit against the City and a jury would determine if the City of Lennox is at fault and access damages, if any. Again he stated that he felt that a jury would see that no citizen was harmed and the result was financially advantageous for the City. Another issue addressed was could a building permit be issued for construction on the lots that were sold to the new property owners. City Attorney Lovrien stated that now the property has been sold and the City received the proceeds from the sale, a constitutional issue would now be considered as the property was sold with the understanding that the new owners would be able to obtain a building permit for the property thus building permits will be able to be obtained by the owners for construction. Mayor Wiebers then asked the direction the Council wished to go regarding the three options for the project. After discussion, motion by Gregg, second by Olson to approve option 1, which includes complete street, curb and gutter, and storm sewer construction with the engineered estimated cost of \$993,760. Upon roll call vote, Olson-aye; Gregg-aye; Nelson-aye; Poppenga-nay, West-abstaining; Fett-absent. Motion failed due lack of 2/3 approval. Upon further discussion, motion by Gregg, second by Olson to authorize Stockwell Engineers to do the preliminary design plans to obtain the elevations for the new owners to be able to construct on the property at the estimated cost of \$30,000. Upon roll call vote, Gregg-aye; Nelson-aye; Olson-aye; Poppenga-aye; West-abstaining; Fett-absent; Motion carried. Motion by Gregg, second by Nelson to table the decision on the Court Avenue project. Upon roll call vote, Gregg-aye; Nelson-aye; Olson-aye; Poppenga-aye; West-abstaining; Fett-absent; Motion carried.

**Ordinance #556 Adoption of Revised Lennox Zoning Map:** Ordinance #556 revised Lennox zoning map was presented for the second reading by PWD Stack. After discussion, motion by Gregg, second by Nelson to approve the adoption of the revised Lennox zoning map. Upon roll call vote, all members present voted aye. Motion carried.

**New Business:**

**Waiver of Fees for Rezone:** PWD Stack explained the reason for the waiver due to certain parcels are not zoned correctly for the use and this would give the owners the opportunity to correct the zoning without the fee in conjunction with the city map revision. This is only for the properties that are currently incorrectly zoned and not for owners who would like to change the zoning to another use. Motion by West, second by Gregg to approve the waiver of fees for the properties that are zoned incorrectly if the owners wish to correct the error. Upon roll call vote, all members voted aye. Motion carried.

**Ball Fields Concession Stand:** Mayor Wiebers informed the Council that the LBA will not be operating the ball field concession stands this year and the Park and Rec Advisory Board is willing to operate the stands this year. After discussion, motion by West, second by Gregg to approve the Park and Rec Advisory Board to operate the ball field concession stands for 2015. Motion carried.

**DENR Grant Contract:** Motion by Gregg, second by West to offer the following resolution 2015-04-22-01: **WHEREAS** the City of Lennox has received Consolidated Water Facilities Construction Grant in the amount of \$560,000 for the Central Basin Project; **THEREFORE BE IT RESOLVED** that the Lennox City Council hereby authorizes Mayor Orville Wiebers to sign the South Dakota Consolidated Water Facilities Construction Program Grant Agreement on behalf of the City of Lennox, SD. Upon roll call vote, all members voted aye. Motion carried.

**Geotechnical Contract for Central Basin Project:** PWD Stack presented the contract for geotechnical services for the Central Basin Project from American Engineering Testing Inc. in the amount of 11,255.00. These fees are outside the scope of the engineering contract with Stockwell Engineers. After discussion, motion by West, second by Gregg to approve the contract with American Engineering Testing Inc. for geotechnical services for the Central Basin Project in the amount of \$11,255.00. Upon roll call vote, all members present voted aye: Motion carried.

**Surplus Equipment:** The Finance Officer presented to the Council a list of city equipment needing to be considered surplus. Motion by Olson, second by Poppenga to determine the following equipment is no longer necessary, useful or suitable for the purpose for which it was acquired. The equipment is as follows: 2 Remington Model 870 Police Magnum Pump shotguns, 1 H&R .32 gauge single shot tranquilizer gun and the old antenna tower. The guns shall be used to trade in for new guns and the old antenna tower is to be disposed of at \$0 value. Upon roll call vote, all members voted aye. Motion carried.

**Utility Bill Calculation:** Laveryl Van Ningen met with the Council to discuss his utility bill for his water service. The water meter has been working at his residence but the readout unit did not send the reading to the system to be recorded. The unit had been recording zero usage and city personnel assumed the residence was vacant. The unit was checked out and found the fault was in the read out unit and the amount of water that had not been recorded and billed was billed in the March billing cycle. Laveryl had met with the Street/water/sewer committee and the committee stated that the City policy is if water is going through the meter, the residence is responsible for the water. The committee agreed to follow past situations and not expect full payment immediately but to spread the amount due over a number of months. The full Council will make a final decision during the regular meeting in May.

**Personnel:** PWD Stack reported on the potential summer street laborer but the citizen possibly interested in the position is waiting on other opportunities and will report to the PWD at the end of the month. The Finance Officer presented three applications for the lifeguard positions which were Karissa West, Abby and Baylee Abraham. Mayor Wiebers stated that there is still a great need for lifeguards for the pool in 2015. After further

discussion, motion by West, second by Gregg to hire Karissa West, Abby Abraham and Baylee Abraham for the lifeguards positions for the 2015 pool season. Motion carried.

**Executive Session:** Motion by West, second by Gregg to go into executive session at 7:16 PM to discuss legal matters. Motion carried. Mayor Wiebers declared executive session ended at 7:41 PM with no action taken.

**Adjournment:** Motion by Nelson, second by Gregg to adjourn at 7:42 PM. All members present, voted aye. Motion carried.

ATTEST: \_\_\_\_\_  
Jerry Jones, Finance Officer

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Orville Wiebers, Mayor