

# Lawton City Council Minutes

September 1, 2009

The Lawton City Council met in Regular session on Tuesday, September 1, 2009, at the Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Todd Roerig, Perry Ludwig, Rick Schorg and Don Grigg. Terry Masching was absent. Others attending included City Clerk Patricia Washburn, Public Works Director Lowell Anderson, Attorney Glenn Metcalf, Engineer Jerry Steffen and Matt Habeger..

Mayor Nitzschke welcomed guests.

Motion by Ludwig, second by Grigg to approve agenda as presented. Motion carried 4-0.

Mayor opened Public Hearing at 5:00 p.m. regarding amendment to current 2010 Fiscal Year budget. Amendment was published in Movable Record for review on August 20, 2009 with explanations of expense changes listed. No oral or written comments came to City Hall or to any of the councilmen prior to this Public Hearing. Motion made by Grigg, seconded by Roerig to close Public Hearing at 5:03 p.m.. Motion carried on roll 4-0. Full text of resolution is on file at City Hall.

Motion by Grigg, second by Schorg to approve **RESOLUTION 2009-11, 2009 Street Finance Report** as presented. Motion carried on roll 4-0. Full report on file at City Hall.

Council directed Public Works Director Lowell Anderson to take approximately three inches off surface of city property adjacent to lot owned by Chad Sitzmann in order to assist in drainage from his property.

Letter was distributed from Loraine Washburn regarding dissolution of Lawton Friendship Center Organization. Council granted request to allow the current coffee groups to continue meeting as they have in the past. Dues were offered by the group to assist in offsetting utility costs.

Clerk Washburn reminded Mayor and Council election papers are due by 5:00 Thursday, September 17, 2009. Mayor and two Council positions will be listed on the Nov. 3 ballot.

Anderson reported 2009 street overlay project has been completed. Council commented on fine job done by Barkley Asphalt, Inc.

City is still on schedule to have Mueller Pallets grind tree pile. Due to wet weather, Mueller has gotten slightly behind.

Snow plow is in, but has not yet been picked up.

Anderson presented rate increase on his insurance premium again. Anderson asked Council to give wage concession instead of paying insurance. Council directed Anderson to contact Chris Countryman again before decision is made.

Mayor will contact Quality Pump & Control regarding disputed bill on work performed on sewer after lightning damage in September 2008.

Building permits have been approved for the following: 115 W Maple, concrete patio; 115 W Birch, driveway extension; 107 W Birch, deck; 115 West Creek Dr., concrete pad and deck; 206 Ash St., dwelling.

Correspondence was read from Alan and Gwen Robinson regarding home at 102 W Birch St.

Council gave Clerk permission to attend Fall IMFOA Conference in December.

Discussion held on need of building permits for retaining walls or other landscaping projects. Fences are currently allowed on property line if owner can control weeds and grass on both sides without going onto adjacent property. Council discussed allowing fences on property lines if permits were signed by both parties fence would impact. Matter will be on agenda in October.

Motion by Ludwig, second by Schorg, to approve Consent Agenda consisting of August 4, 2009 minutes, August 2009 financial statements, August disbursements of \$31,512.79, approval of **RESOLUTION #2009-12 REGARDING ASSESSMENT OF UNPAID UTILITY CHARGES over 60 days of \$38.86** against property at 102 West Birch St, approval of **RESOLUTION #2009-13 REGARDING ASSESSMENT OF UNPAID UTILITY CHARGES over 60 days of \$67.85** against property at 307 E Oak St. and approval of **RESOLUTION #2009-14 REGARDING CURRENT YEAR CITY BUDGET AMENDMENT**. Motion carried on roll 4-0, Masching absent.

City Attorney Metcalf called attention to the need to discuss a potential suit naming the City of Lawton as a party. He advised that this was a matter suitable for consideration in closed session and requested the council to consider moving to closed session. Councilman Ludwig moved for the council to meet in closed session. Being advised upon the matter, Councilman Grigg seconded the motion that the council hold a closed session pursuant to Iowa Code §21.5(1)(c). A roll call vote was taken. On roll, Roerig, Ludwig, Schorg and Grigg voted Aye. No Nays. Masching absent.

Mayor Nitzschke declared that the affirmative vote was the unanimous vote of those councilmen now present and was therefore carried. Council entered closed session at 6:08 p.m.

Council exited closed session at 6:52 p.m. Motion by Ludwig, second by Grigg to direct Attorney to contact appraiser regarding property adjacent to Ash Street. Motion carried on roll 4-0.

With no further business meeting was adjourned at 6:54 pm.

**REVENUES BY FUND**

**DISBURSEMENTS BY FUND**

Interest Earned	3,850.72	TIF-West Creek	4,000.00
TIF	32.64	General	8,005.06
General	5,227.85	Road Use Tax	6,163.94
Road Use Tax	5,206.99	Local Option Sales Tax	0.00
Local Option Sales Tax	5,739.30	Water	3,539.97
Water	12,657.58	Sewer	3,105.54
Sewer	3,379.30	Garbage	6,260.36
Garbage	4,731.47	Fire Disbursements	437.92
Fire Revenue	0.00		
<b>TOTAL REVENUE</b>	<b>40,825.85</b>	<b>AUG. DISBURSEMENTS</b>	<b>31,512.79</b>

**WARRANTS APPROVED**

Nitzschke Construction, labor, Elm St. curb	225.00
Bierschbach Equip., V-belt	38.00
CID, herbicide	168.80
CHN Garbage	2862.49
City of Lawton, utilities	50.91
Earl May Nursery, trees	1047.00
GCC Alliance Concrete, 400 blk Elm	1491.75
IDNR, water supply fee	84.20
Menard's, bulbs	17.96
Robertson Implement, parts	33.69
Sioux City Iron, parts	13.26
<b>Chad &amp; Amber Sitzmann, property purchase</b>	<b>4000.00</b>
Doyle Smith, ball field lease	1665.00
Stan Houston Equip, repair & supplies	149.26
Suburban Supply, backhoe & labor	245.00
WITA, July phone bills	274.44
Lawton Pronto, fuel	353.18
Iowa DNR, NPDES annual fee	210.00
Lowe's, hole saw	15.94
Metcalf Law Office, legal service	100.00
Pomp's Tire Service, onsite tire repair	173.00
S&S Equipment, tractor repairs	2045.60
Share Corp, Natraklene	207.06
US Bank	231.77
QuickBooks back-up	4.95
WalMart, week killer, gloves	75.91
Harbor Freight Tools, shop supplies	71.08
Menard's, shelving supplies	79.83
Barkley Asphalt, hot mix	63.20
Bomgaars, water supplies	9.93
Colonial Research Chem. Corp, Dissolve	180.00
Menard's, misc supplies	208.51
MidAmerican Energy	1551.35
MidWest Office Automations, copier contract	240.00
Siouxland Dist. Health Dept, lab fees	88.00
Utility Equipment Co., supplies	1084.40
Woodbury Co Landfill, 3rd Qtr Assmt.	3397.87
EFTPS, Fed, Med, SS taxes	2089.38
IPERS, payroll taxes	860.48
Aflac, employee contrib	91.50

SIGNED BY: \_\_\_\_\_  
 Jeff Nitzschke, Mayor

ATTESTED BY: \_\_\_\_\_  
 Patricia L Washburn, City Clerk