

Lawton City Council Minutes

June 7, 2005

The Lawton City Council met in regular session on Tuesday, June 7, 2005, at Lawton City Hall. Council members answering roll: Terry Masching, Don Grigg, Perry Ludwig, Tony Bengford and Rick Schorg. Mayor Jeff Nitzschke called the meeting to order at 5:00 p.m. and welcomed guests.

Building permit applications were approved for Janet Dorale Hampf, 208 Linden, adding family room and bedroom; Lawton-Bronson CSD, Softball field at Elm & Larimer, batting cage; Louie Sager, 319 Oak, deck.

Newly annexed residents were invited to attend meeting regarding changes to their services. Base rate for water will drop from \$32 to \$24 per quarter. Garbage service will be added at cost of \$30 per quarter. Tax abatement procedures will be handled by City Attorney as agreed upon at time of annexation, and will first show up on Fall of 2006 tax statement.

Gary Turner spoke to Council regarding concerns about the proposed Pet Licensing Ordinance and enforcement of the ordinance. Mayor explained ordinance is two-fold: To keep record of pet owners, and to note at a glance if animal has been vaccinated. Turner suggested possibly adding photo to registration. Council felt that would be a good addition.

Jerry Steffen of Steffen Engineering reported 3 additional test wells had been dug, with lab results within "Safe" range. Steffen feels Council can move ahead with digging new well on proposed site.

Kuehl & Payer representative was not at meeting to get final approval by Council of Plans and Specifications for new water treatment facility. Steffen was told by Council to start on new sewer line from proposed water treatment facility to lagoon area. Attorney will check on ownership of property.

Council was asked about changing the parking area at 204 E. Oak. City has an easement for drainage of surface water at that address. Council expressed concerns about changing water flow. Owner will be notified of Council's decision to leave area as is.

Clerk has been notified of need to change Posting Ordinance. Currently ordinance requires legal posting in 3 locations, City Hall, Post Office and Western Iowa Telephone's downtown garage window. With impending closure of downtown garage, that window will no longer be available for posting. After careful consideration, Masching moved to amend **CITY ORDINANCE SEC. 2-6 to read:**

2-6-1 PURPOSE. The City of Lawton, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, Ordinances and amendments may be made by posting in two public places which have been permanently designated by Ordinance.

2-6-2 LISTING, LENGTH OF NOTICE. The two public places where public notice of Ordinances and other matters permitted to be posted are to be displayed are:

1. City Clerk Office, Lawton City Hall
2. Lawton Post Office Bulletin Board

Motion was seconded by Grigg. Motion carried on roll 5-0.

Grigg also moved to waive the 2nd and 3rd readings of said Ordinance. Masching seconded motion. On roll, motion carried 5-0.

Resolution # 2005-05 to Approve Final Reading of Ordinance Sec. 2-6 and to Approve Modification to City Code as stated above was made by Ludwig, seconded by Bengford. Motion carried 5-0. This ordinance amendment will become official upon publication.

No one was present to discuss Sidewalk Concerns in 300 block of Cedar.

Regarding street and sidewalk updates to 300 block of Cedar Street, Bengford reported paperwork has been submitted for approval with MidAmerican Energy. Mayor feels work could begin within two weeks.

Grigg moved that north "LAWTON" sign should be enlarged, perhaps tripling current size. Masching seconded motion. On roll, motion carried 4-0, with Schorg abstaining.

Clerk informed Council of delinquent water bill and mowing bill. Water has been disconnected at 215 Cedar. Clerk will proceed with filing lien on property.

Council discussed setting up TIF program. Attorney Metcalf will investigate and report back to Council.

Regarding employee wages, Ludwig made motion to approve the following: Annual salary for Lowell Anderson, \$34,500; annual salary for Patricia Washburn, \$20,450; hourly wage for part-time year-round city maintenance help, \$10; hourly wage for part-time summer city maintenance help, \$9. Masching seconded motion. Carried on roll, 5-0. New rates will take effect July 2, 2005. Possible changes to Mayoral pay and meeting pay will be discussed at July meeting.

Council gave verbal approval for purchase price of \$175 on used forks for payloader. Anderson informed Council of verbal communication from Loss Prevention representative regarding playground equipment in parks.

Anderson also reminded Council of need for phone line at new lift station in West Creek Development. Anderson and Mayor Nitzschke will order.

Anderson also discussed need for a "ground pounder". He had one quote of \$2400. Council agreed that he should have one, but asked that he get more bids.

Clerk reported next Pre-Disaster meeting will be Wednesday, June 15 at City Hall. Also notified Council that representative with Cingular has inquired about putting antennae on water tower.

County informed Clerk of possible election changes due to HAVA. State will issue written notification of any changes required.

Mike Willer had contacted City Hall regarding gravel used for retaining wall by new L-B Fitness Center. Product used at site must come through school, rather than through city.

Mary Beth Schorg, representing FAMILY had electronically requested possible donation by City of free shelter house rental for FAMILY BBQ on June 11. After brief discussion, Masching moved to give two rentals of shelter house and kitchen. Bengford seconded motion. On roll, motion carried 5-0.

Anderson expressed thanks to Grigg for tending to watering of new trees on water tower lot. City personnel also expressed appreciation to Mayor and Mayor pro tem for their availability when situations arise.

Mayor discussed need to compensate customers when their water service is used in an emergency situation. Recently lightening damaged water service to home. Water was brought in from a neighboring home. Motion was made by Bengford to give 25% discount on water portion of utility bill to customers helping in an emergency situation. Ludwig seconded motion. Motion carried on roll 5-0.

Council gave Mayor approval to further investigate possible use of old county bridge for possible upcoming city project.

After much discussion, Ludwig moved to tag abandoned cars left parked on streets, namely a red Jeep and a white Cavalier. Anderson was instructed to tag other vehicles as need be according to city code. Bengford seconded motion. Council approved 5-0.

Motion to approve Consent Agenda consisting of May 3, 2005 minutes, disbursements in the amount of \$53,492.16, May 2005 Financial Statement, and Cigarette Applications from Lawton Pronto and TJ's Sports Bar and Grill was made by Masching, seconded by Ludwig. On roll, motion carried 5-0.

Councilman Schorg moved to approve 2nd reading and waive 3rd reading of Animal Control ordinance.

**AN ORDINANCE AMENDING SEC. 4 MENTAL AND PHYSICAL HEALTH
TO INCLUDE SECTIONS REGULATING LICENSING, IMPOUNDING,
IMMUNIZING AND KEEPING OF DOGS AND CATS**

Proposed ordinance allows for annual license fee of \$5 for spayed or neutered animal and \$10 for each non-spayed or non-neutered animal. Licensing will begin July 1, 2005 and will be required annually. Impounding costs will be assessed to owners. Capture and Transportation costs will be \$25. A surcharge will be added for repeat offenders within a 12-month period. Second or third offenses-\$10, four or more-\$20. Any other costs assumed by city will also be assessed. Complete text of this ordinance amendment is published separately in the Menville Record, and is on file at Lawton City Hall.

Motion seconded by Grigg. Carried on roll, 5-0.

Resolution # 2005-06 to Approve Final Reading of Ordinance Sec. 4-2-1, 4-2-2, and 4-2-3 and to Approve Modification to City Code as stated above was made by Schorg, seconded by Grigg. Motion carried 5-0. This ordinance amendment will become official upon publication.

With no further business, Masching moved to adjourn meeting at 7:30 pm. Grigg seconded, 5-0, carried.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	3,149.18	General	7,067.28
General	16,431.61	Local Option Sales Tax	18,461.25
Local Option Sales Tax	4,833.77	Road Use Tax	2,279.94
Road Use Tax	3,854.24	Water	20,963.11
Water	5,047.99	Sewer	2,020.33
Sewer	3,065.32	Garbage	2,700.25
Garbage	1,805.10	Special Assessment	0.00
Special Assessment	1,798.94	MAY DISBURSEMENTS	53,492.16
TOTAL REVENUE	39,986.15	Fire Disbursements	3571.53
Fire Revenue	0.00		

WARRANTS APPROVED

Lowell Anderson, mileage reim.	48.60
Holiday Inn Airport, lodging	92.29
Kuehl & Payer, water treatment planning	10460.00
Lawton Pronto, fuel	179.92
Metcalf, Thompson & Phipps, legal fees	210.00
Patricia Washburn, mileage reim.	98.53
Western Iowa Telephone	143.02
Lowell Anderson, salary	454.92
Jack Howard, wages	243.26
Nitzschke Construction, labor	90.00
Brittni Buffum, deposit refund	63.74
Don Grigg, watering supplies	40.13
Lansink Complete Tree Services, 12 Spruce trees	3840.00
Vulcan Signs, safety signs	57.79
Woodbury County Auditor, recording fee	387.00
Lowell Anderson, salary	454.93
Jack Howard, wages	287.10
Ed Gill, deposit refund	60.25
Lowell Anderson, salary	454.92
Jack Howard, wages	203.41
MidAmerican Energy, April	1378.96
US Bank, office/shop supplies	609.73
Colonial Research Chem., Dissolve	144.28
First Trust & Savings, GO bonds	18461.25
First Trust & Savings, Water bonds	6778.75
Iowa One Call, 32 locates	28.80
Share Corp, NatraKlene	102.76
Utility Equipment Co., West Creek supplies	1488.11
Ziegler Cat., supplies	8.09
Lowell Anderson, salary	454.92
Jack Howard, wages	243.25
Patricia Washburn, salary	1297.07
EFTPS, payroll liabilities	1334.98
IPERS, payroll liabilities	512.63
American Legion Post #718, flag	20.00
CHN Gargage, service & bags	2640.25
IDNR, Anderson WW Cert.	60.00
Siouxland Dist. Health Dept., lab fees	10.00
Patricia Washburn, reimburse expenses	48.52

SIGNED BY: _____
Jeff Nitzschke, Mayor

ATTESTED BY: _____
Patricia L Washburn, City Clerk

Title IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2

ANIMAL LICENSING, IMPOUNDING, IMMUNIZATION AND KEEPING OF DOGS AND CATS

4-2-1 Dogs

4-2-2 Cats

4-2-3 Impounding Costs

4-2-1 DEFINITIONS. For use within this ordinance the following terms are defined:

- A. The term "dogs" includes both male and female dogs whether altered or not.
- B. The term "at large" refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an animal hospital, or kennel.
- C. The term "owner" includes any person, firm or corporation owning, harboring, sheltering or keeping a dog.

4-2-1(a) LICENSE. Every owner of a dog shall procure a dog license from the city clerk on or before the first day of July of each year. The annual license fee shall be \$5.00 for each spayed or neutered dog and \$10.00 for each non-spayed or non-neutered dog. A penalty of \$3.00 per month shall be assessed for failure to pay the license fee when due.

4-2-1(b) LICENSE ISSUED. Upon payment of the license fee, the City Clerk shall issue to the owner a license which shall contain the name of the owner, his place of residence, a description and photo of the dog. The City Clerk shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it was issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-2-1(c) RECIPROCITY. Any dog which is registered in this state or any other state pursuant to a city or county ordinance which requires immunization and which issues a license may register as a temporary "resident" by displaying such license to the City Clerk and filing the application required of other owners harboring, sheltering or keeping a dog. Such registration shall be filed and valid for a period of not to exceed 45 days. No fee shall be collected.

4-2-1(d) VIOLATION. It shall be a violation of this ordinance for any owner to own or possess a dog over the age of 3 months within the city of Lawton without obtaining a license in compliance with this section.

4-2-1(e) IMMUNIZATION. Every owner of any dog over the age of three months shall, when procuring a dog license from the city clerk, present to the city clerk a certificate from a qualified doctor of veterinary medicine that such dog has had immunization against rabies.

1. The clerk shall not issue any dog license until evidence is shown certifying a rabies vaccination of the dog by a licensed veterinarian. Said certification shall show the date of inoculation, and shall be valid for a period of two years unless some lesser time is shown on the certificate. An owner presenting a certificate that will expire less than six months from the date the license is issued shall be required to file a subsequent certificate as described in part 2 hereof as if the dog obtained the age of three months on the date the certificate expired.

2. If any dog for which a license has been obtained which has not attained the age of three months at the time of the licensing of such dog, the owner shall, not less than ten (10) days after such dog attains the age of three months secure immunization against rabies for such dog and present a certificate as required in this section to the city clerk who shall enter such certification in the records of the city.

3. It shall be unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise.

4-2-1(f) DOGS DISTURBING PERSONS.

1. It shall be unlawful for an owner of a dog to allow or permit such dog to run at large.
2. It shall be unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another thereby causing damage to, or interference with, the premises.
3. It shall be unlawful for an owner of a dog to allow or permit such dog to bark to such an extent as to annoy or disturb persons in the vicinity of the dog.

4-2-1(g) IMPOUNDING.

1. Any unlicensed dog found at large, or any license dog found at large in violation of 4-2-1(e) of this ordinance, shall be seized and impounded.
2. The owners of such licensed dogs if known shall be notified in writing within two (2) days that upon payment of impounding costs such dogs may be recovered. If the impounded licensed dogs are not recovered by their owners within five (5) days after notice, the dogs may be disposed.
3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee and impounding costs. If such dogs are not claimed within three (3) days after impounding, they may be disposed.

4-2-1(h) Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to a municipal infraction carrying a civil penalty of \$100.00 for each violation.

**ANIMAL LICENSING, IMPOUNDING,
IMMUNIZATION AND KEEPING OF CATS**

4-2-2 DEFINITIONS. For use within this ordinance the following terms are defined:

- A. The term "cats" includes both male and female cats whether altered or not.
- B. The term "at large" refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an animal hospital, or kennel.
- C. The term "owner" includes any person, firm or corporation owning, harboring, sheltering or keeping a cat.

4-2-2(a) LICENSE. Every owner of a cat shall procure a cat license from the city clerk on or before the first day of July of each year. The annual license fee shall be \$5.00 for each spayed or neutered cat and \$10.00 for each non-spayed or non-neutered cat. A penalty of \$3.00 per month shall be assessed for failure to pay the license fee when due.

4-2-2(b) LICENSE ISSUED. Upon payment of the license fee, the City Clerk shall issue to the owner a license which shall contain the name of the owner, his place of residence, a description and photo of the cat. The City Clerk shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it was issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-2-2(c) RECIPROCITY. Any cat which is registered in this state or any other state pursuant to a city or county ordinance which requires immunization and which issues a license may register as a temporary "resident" by displaying such license to the City Clerk and filing the application required of other owners harboring, sheltering or keeping a cat. Such registration shall be filed and valid for a period of not to exceed 45 days. No fee shall be collected.

4-2-2(d) VIOLATION. It shall be a violation of this ordinance for any owner to own or possess a cat over the age of 3 months within the city of Lawton without obtaining a license in compliance with this section.

4-2-2(e) IMMUNIZATION. Every owner of any cat over the age of three months shall, when procuring a cat license from the city clerk, present to the city clerk a certificate from a qualified doctor of veterinary medicine that such cat has had immunization against rabies.

1. The clerk shall not issue any cat license until evidence is shown certifying a rabies vaccination of the cat by a licensed veterinarian. Said certification shall show the date of inoculation, and shall indicate the period of immunization. An owner presenting a certificate that will expire less than six months from the date the license is issued shall be required to file a subsequent certificate as described in part 2 hereof as if the cat obtained the age of three months on the date the certificate expired.

2. If any cat for which a license has been obtained which has not attained the age of three months at the time of the licensing of such cat, the owner shall, not less than ten (10) days after such cat attains the age of three months secure immunization against rabies for such cat and present a certificate as required in this section to the city clerk who shall enter such certification in the records of the city.

3. It shall be a violation of this ordinance for any owner to own or possess a cat within the City of Lawton without furnishing a certificate of immunization against rabies in compliance with this section.

4-2-2(f) IMPOUNDING.

1. Any unlicensed cat found at large, or any license cat found at large in violation of 4-2-2(e) of this ordinance, shall be seized and impounded.
2. The owners of such licensed cats if known shall be notified in writing within two (2) days that upon payment of impounding costs such cats may be recovered. If the impounded licensed cats are not recovered by their owners within five (5) days after notice, the cats may be disposed.
3. Impounded unlicensed cats may be recovered by the owner, upon proper identification, by payment of the license fee and impounding costs. If such cats are not claimed within three (3) days after impounding, they may be disposed.

4-2-2(g) PENALTY. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to a municipal infraction carrying a civil penalty of \$100.00 for each violation.

IMPOUNDING COSTS

4-2-3 IMPOUNDING COSTS. The City shall contract for the impounding of all animals captured in the City. The cost of impounding shall consist of the following elements:

- a. Capture and Transportation \$25.00
- b. Actual expenses advanced by the City pursuant to contract for care of said animals.
- c. Surcharge computed on the basis of repeated impounding within a 12 month period in accordance with the following scale:

First	None
Second or Third	\$10
Four or More	\$20