

# Lawton City Council Minutes

**May 2, 2006**

The Lawton City Council met in Regular session on Tuesday, May 2, 2006, at Lawton City Hall. With large attendance from public, meeting was moved to Friendship Center. Council members answering roll: Tony Bengford, Terry Masching, Don Grigg, Perry Ludwig, and Rick Schorg. Also present: Attorney Glenn Metcalf, Clerk Washburn, W/WW Supt. Anderson, Engineer Jerry Steffen, Corey Malm, Debra Brown, Ricky DeWitt, Jerry Wilke, Jeremy Husk, Virgil Bremer, Bill O'Neill, Bill Krohn, Gary Byers, Todd Roerig, Carol Schoening, Dick Schoening, Kris Flewelling, Jane Parkhill, Kent Thompson, Jim Willer and Jamie Amick.

Mayor Jeff Nitzschke called meeting to order at 5:00 pm mentioning tragedy that had just unfolded at city water tower. Guests were welcomed.

Building permit applications were approved for Norman Custer, 110 W Birch, steps, cement slab; Betty Law, 212 E Birch, 3-season porch; Perry Ludwig, 100 West Creek Dr., dwelling; Corey Malm, 414 E Oak, shed, concrete slab; Fran Short, 2106 Hwy 20, deck; Joanna Wilde, 98 Cedar St., storage shed.

Rocky DeWitt discussed possible removal of evergreen trees near intersection of Maple and Linden Streets. These trees are of concern due to lack of clear visibility when approaching intersection. DeWitt may sell trees privately, or city may use grant money to purchase them and relocate them. No formal action was taken.

Jerry Wilke, General Manager of Long Lines Wireless in Sgt. Bluff, had expressed desire to co-locate antennae on city water tower. After observing Cingular array, Wilke informed Council he doesn't feel there would be enough room for more antennae but thanked Council for listening.

With Jerry Steffen present, floor was opened for questions or comments from public regarding possible replacement of 400 block of Maple Street. Concerns included height of new curb and manhole covers. Steffen stated curb wouldn't be raised higher than current height. One resident stated other streets have been resurfaced without cost to property owners, and expressed concern that this section may be partially assessed. Councilman Bengford offered comment that "patching is NOT working". The streets in that section of town have very poor base and thin layer of asphalt in many places. City has paid several thousand dollars each year to patch. It's time to replace.

When asked for timeline residents would be "displaced", Steffen stated entire project should be 6-8 weeks. Project would probably be done in two parts. Council acknowledged email sent by resident unable to attend meeting. Several residents voiced concern about heavy school use. Bus traffic is very heavy during school year. Residents stated several students seem to use that area as a race track. One resident stated current condition of the street at least slowed vehicles down some. Another asked that speed bumps be placed on street. Speed limit is 20 mph.

Possible assessment issues were discussed. One resident asked why money hadn't been set aside for this purpose. Council informed audience several thousand dollars are put into patching every year. The city is to a point where more action needs to be taken rather than just patching.

When asked about advantages, Steffen stated a 6" Portland concrete street should last 75-100 years. Current asphalt street is only about 10 years old. One resident recommended use of asphalt. Mayor thanked those in attendance for coming. Stated meetings are open to the public and minutes are published in Movable Record, plus posted in Post Office and City Hall. Several residents also stated minutes can be read on city website. A public hearing will be held prior to final decision by Council.

Jamie Amick, owner of Maxine's, informed Council Maxine's plans to be open for business on Thursday, July 6<sup>th</sup>, 2006, with the Grand Opening slated for Saturday, July 22<sup>nd</sup>. At the request of his family, a Memorial motorcycle run will be held on July 22<sup>nd</sup> for Mark Kempers. Amick also informed Council of two fundraisers planned for this summer. July 29<sup>th</sup> will be fundraiser for Lawton Lights. August 26<sup>th</sup> will be fundraiser for Fitness Center. Council reminded Amick that organizations need to contact neighboring property owners and inform them of plans. County also needs to be contacted for possible street closure during fundraisers.

Kuehl & Payer representative was not present at this meeting. Mayor had spoken to him within past few days to clarify some items in question. DNR and FCC have issued necessary permits for water treatment plant. Engineer Kuehl has informed Clerk radio frequency for water filtration plant will not interfere with Cingular Wireless antennae on water tower.

Motion made by Bengford, seconded by Schorg, to approve paying Christiansen Construction Co., Pay Request # 7 in the amount of \$157,218.76. Motion carried on roll 5-0.

Citizen concern at 109 Pine was removed from agenda as resident was not present.

Council expressed thanks to Don Grigg and Bill Kisting family for recent donations to the city. Grigg donated labor and funds involved in the purchase of the two new park signs: Veterans' Memorial Park

and Tara Way Park. The Kisting family donated funds to purchase two new park benches for Veterans' Memorial Park. Signs on the benches indicate memorials to Major L.B. (Burdette) Kisting and Private George (Bud) Kisting.

Regarding sign placement for traffic control, Council will consider "No Outlet" sign be installed on North Pine Street.

After considerable discussion regarding cost of issuing municipal infractions, Masching moved to amend city code Sec. 1-3-2 to allow for fees of \$250 for first offense and \$500 for each additional offense. Motion died for lack of second. After further discussion, Masching moved to approve **Proposed Ordinance Amending Sec. 1-3-2(2a) VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF** to allow for Civil Penalties of \$250 for first offense and \$350 for all other repeat offenses. Motion was seconded by Grigg. On roll voting aye: Bengford, Masching, Grigg and Ludwig. Voting nay: Schorg. Motion carried on roll 4-1.

Clerk informed Council of letter from Woodbury County Planning & Zoning informing Council of proposed Cingular Wireless Telecommunications Tower on the Steve Flewelling farm.

Lowell Anderson reported Fire Department feels they are not equipped to clean up blood spill of the magnitude that existed at accident site today. Contacting Service Master was suggested. Attorney stated Cingular Wireless should handle clean-up options.

Anderson also discussed cabinet options in water treatment plant with Council.

Mayor will contact 401 E Maple Street property owner regarding debris being discarded on Linden St.

Clerk informed Council clean-up at 215 E Oak has been concluded.

Moville City Hall plans to hold NIMS training in May for any area Mayors, Council or city employees that want to attend.

Clerk discussed possible playground equipment purchase for Veterans' Memorial Park. Council asked to have this item listed on June agenda.

Complaints continue to be heard about campers, trucks, trailers, etc. being parked for indefinite periods of time on city streets. Clerk will get information regarding possible ways to control situation.

Councilman Bengford left the meeting at 7:35 p.m.

Mayor requested that all cell phones and pagers be silenced during Council meetings.

Consent Agenda was amended to remove approval of Maxine's liquor license. Also to amend Items 1-4 under Resolutions / Ordinances to reflect the 3<sup>rd</sup> reading on each of the ordinance amendments rather than 2<sup>nd</sup> reading as stated on Tentative Agenda. Consent Agenda consisted of Minutes from April 4, 2006, disbursements of \$70,448.24, April 2006 financial statements, 3<sup>rd</sup> Reading of Ordinances amending Sec. 6-5-8, 6-5-9, 6-5-10 (see below) and 3<sup>rd</sup> Reading of Special Ordinance Offering Protection of Public Water Wells (see below). Motion to approve Consent Agenda as amended was made by Schorg, seconded by Grigg. Motion carried on roll 4-0.

**Proposed Ordinance Amending Section 6-5-8 UTILITIES – BILLING CHARGES for Water (Incorporated).** In part, this proposed ordinance will allow for charges consisting of \$20.00 per month for the first 1,000 gallons of water used. Each additional 1,000 gallons of water used will be billed at \$2.55. Complete text of this proposed ordinance amendment is on file for inspection at City Hall.

**Proposed Ordinance Amending Section 6-5-9 UTILITIES – BILLING CHARGES for Water (Unincorporated).** In part, this proposed ordinance will allow for charges consisting of \$20.00 per month for the first 1,000 gallons of water used. Each additional 1,000 gallons of water used will be billed at \$2.55. In addition, an "Annual Fee" of \$30 shall be charged to any resident outside of the incorporated area of the city receiving water on a monthly basis. Complete text of this proposed ordinance amendment is on file for inspection at City Hall.

**Proposed Ordinance Amending Section 6-5-10 UTILITIES – BILLING CHARGES for Garbage.** In part, this proposed ordinance will allow for charges consisting of \$11.00 per month per garbage can. As the Woodbury County Area Landfill Agency has increased their per-capita charge from \$9.50 up to \$19.50, this proposed ordinance also allows for charging an additional \$4.00 per month for a "Landfill Fee" for each garbage can a resident or business uses. Complete text of this proposed ordinance amendment is on file for inspection at City Hall.

**Special Ordinance No. 2006.01 Adopting Regulations for the PROTECTION OF PUBLIC WATER WELLS.** This ordinance explains terms of "Deep Public Well". It also uses DNR guidelines for distance requirements. This Ordinance, in its entirety, may be examined at City Hall.

Motion made by Ludwig, seconded by Masching to approve 1<sup>st</sup> Reading of **Proposed Ordinance Amending Section 6-5-11 UTILITIES – BILLING CHARGES for Sewer.** In part, this proposed ordinance will allow for the billing cycle to be changed from quarterly to monthly, with the rate

remaining the same. That is residential users will pay \$8 per month rather than \$24 per quarter. Commercial users will pay \$1.50 per 1,000 gallons of water used with a minimum charge of \$8 per month. Complete text of this proposed ordinance amendment is on file for inspection at City Hall. Motion carried on roll 4-0.

Town & Country Lawn Service contacted City Hall recommending spring spraying of outlots rather than fall spraying. Council gave approval of spring spraying for water tower lot and outlots east of Tara Way by Oak Street and by Maple Street.

After much discussion, Schorg moved to ask Steffen Engineering to put out for bids on 400 block of Maple Street. Bids will be received for complete removal and replacement, as well as for removal of gutter to gutter with replacement of same. Bids will be received until 1:00 pm on June 6<sup>th</sup>, with plans to open bids after 5:00 p.m. that day. Completion date will be set at 40 working days after start of construction. Masching seconded motion. Carried on roll 4-0.

With no further business to come before the meeting, motion by Schorg, seconded by Masching to adjourn at 7:55 p.m. Carried 4-0.

**REVENUES BY FUND**

**DISBURSEMENTS BY FUND**

Interest Earned	4,813.10	General	5,452.94
General	48,546.36	Local Option Sales Tax	0.00
Local Option Sales Tax	4,484.19	Road Use Tax	3,290.00
Road Use Tax	4,404.51	Water	53,576.21
Water	6,578.59	Sewer	2,018.65
Sewer	3,979.75	Garbage	2,140.25
Garbage	3,628.57	Special Assessment	0.00
Special Assessment	5,487.51	Fire Disbursements	3,970.19
Fire Revenue	0.00		
<b>TOTAL REVENUE</b>	<b>81,922.58</b>	<b>APRIL DISBURSEMENTS</b>	<b>70,448.24</b>

**WARRANTS APPROVED**

ACCO, supplies	26.62
Kuehl & Payer, planning	1827.98
O'Reilly Automotive, parts	77.41
Summit Supply Corp, 2 park benches, misc	983.00
Tri-State Electronic, computer repairs	244.95
USA Blue Book, supplies	372.87
Utility Equip. Co., supplies	148.19
Western IA Tele. Assn., city	145.54
Lowell Anderson, salary	474.02
Jack Howard, wages	240.69
ACCO, chlorine, etc	446.42
Bekins Fire & Safety, extinguishers & service	647.14
Dakota Graphics, 2 park signs	920.00
Lawton Pronto, fuel, misc.	612.26
Mangold, nitrate testing	14.00
Metcalf, Thompson & Phipps, legal fees	859.15
Moville Pharmacy, photos	5.69
Moville Record, legal publications, printing	614.04
Moville True Value, supplies	312.55
Sioux City Ready Mix, concrete	565.00
Siouxland Dist. Health., lab fee	10.00
Western IA Tele. Assn., fire	84.10
Lowell Anderson, salary	474.02
Jack Howard, wages	298.64
Christiansen Const., pay request #6	47498.24
Fireguard, Inc., O-ring seal	56.99
ISU, HAZ MAT cert., FF1 Cert.	325.00
MidAmerican Energy	1674.59
US Bank, March	354.76
Wal-Mart, ink	26.78
USPS, stamps	40.80
Staples, toner	33.97

Menards, supplies	113.21
WINCO Inc., electrical supplies	65.00
Pronto Market, fuel	75.00
Lowell Anderson, salary	474.02
Jack Howard, wages	252.57
Bomgaars, supplies	135.39
Colonial Research Chem. Corp., Dissolve	146.89
Ed M Feld Equip., Co, fire supplies	2340.92
Utility Equip. Co., supplies	76.45
Lowell Anderson, salary	474.03
Jack Howard, wages	293.39
Dennis Uhl, clean tower	338.60
Patricia Washburn, salary	1209.77
Aflac, employee deduction	91.50
IPERS, April contribution	583.84
EFTPS, Fed, Med, SS	1576.76
CHN Garbage, April	2140.25

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

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