

# Lawton City Council Minutes

**October 3, 2006**

The Lawton City Council met in Regular session on Tuesday, October 3, 2006, at Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Terry Masching, Tony Bengford, Perry Ludwig and Don Grigg. Absent at roll: Rick Schorg. Others attending included: City Maintenance Supt. Lowell Anderson; City Clerk Patricia Washburn; City Attorney Glenn Metcalf; City Engineer Jerry Steffen; Neal Kuehl; John Sehnert, Dean Burger, Kent Baker, Ron Kueny and Chris Aakhus.

Public Hearing was called to order at 5:00 pm regarding the renewal of the gas franchise agreement with MidAmerican Energy for a total of 16 years. John Sehnert and Dean Burger were present from MidAmerican Energy to answer questions or concerns. As required by law, notice of this Public Hearing was published in the Movable Record, a newspaper published at least once weekly and of general circulation within the City of Lawton Iowa, on September 14, 2006. With no written or oral comments to bring before the Hearing, motion to close the Hearing was made by Grigg, seconded by Ludwig. On roll, motion carried 4-0, Schorg absent.

Motion by Grigg, second by Masching, to read and consider **Ordinance 91A – An Ordinance granting MidAmerican Energy Company a 16 year gas franchise in the City of Lawton.** Motion carried on roll 4-0, Schorg absent.

Motion made by Ludwig, second by Masching, to suspend the rule requiring an ordinance to have been voted on at two prior council meetings. Motion carried on roll 4-0, Schorg absent.

Motion made by Masching, second by Grigg, to approve final passage of the franchise ordinance. Motion carried on roll 4-0, Schorg absent.

Motion made by Grigg, second by Ludwig to dispense with the requirement that an election be held to approve Franchise Ordinance # 91A, and that Ordinance # 91A shall be come effective upon the date of its publication. Motion carried on roll 4-0, Schorg absent.

**Ordinance 91A - AN ORDINANCE granting to MidAmerican Energy Company, its successors and assigns, the non-exclusive right, franchise and privilege, for a period of sixteen (16) years from and after the effective date hereof, to acquire, construct operate and maintain in the City of Lawton, Iowa, the necessary facilities for the production, distribution, transmission and sale of natural gas for public and private use; and to use and occupy the public streets, highways, avenues, alleys, bridges and public places for such purposes and prescribing the terms and conditions thereof.**

#### **PURPOSE AND INTENT:**

The purpose of the Ordinance is to grant to MidAmerican Energy Company, an Iowa corporation, the non-exclusive right and franchise to acquire, construct, erect, maintain and operate in the City of Lawton, Iowa, a system for the transmission and distribution of natural gas along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell natural gas to the City and its inhabitants.

**This franchise shall remain in effect for a period of sixteen (16) years, until March 31, 2023.**

**The Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company.**

**The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa, 2005, or as subsequently amended or changed.**

**The Company shall have the duty to relocate, at no cost to the City, its installations in the public right of ways to facilitate public works projects. The Company also agrees to relocate its facilities that interfere with any existing or new City water systems. The Company shall restore reconstructed areas as nearly as practicable to its original condition.**

**The Company is obligated to indemnify the City from claims against it resulting from the negligent actions of the Company.**

**The Company shall supply natural gas to consumers within the City at just and reasonable rates. It is recognized that under the statutes of the State of Iowa, the Iowa Utilities Board of the Iowa Department of Commerce is vested with legal authority to supervise, fixed or change rates and charges authorized to be charged by the Company to natural gas consumers.**

This Ordinance was passed by the City Council this 3rd day of October, 2006 and approved this 3rd day of October, 2006.

Additional information regarding this Ordinance and the franchise is available at City Hall, 101 E Maple Street, Lawton, IA 51030-0275.

Posted in three public areas of the City of Lawton on the 9<sup>th</sup> day of October, 2006: City Hall, Friendship Center, United States Post Office. Published in the Movable Record on the 19<sup>th</sup> day of October, 2006.

Items 1-3 on agenda tabled until engineer arrived at meeting.

Special Event Application for Lawton-Bronson Homecoming Parade was reviewed and approved.

Jerry Steffen, Engineer, had no further information regarding concerns with West Creek lift station.

Attorney Metcalf briefed Council on Maple Street updates. Woodbury County and SIMPCO currently own two traffic counters. It was recommended that four counters would be needed to accurately test flow of traffic on Maple Street. Motion was made by Ludwig, seconded by Masching to purchase two additional counters at a total cost not to exceed \$600 with the intention of donating them to Woodbury County when work for the City of Lawton is completed. Traffic assessment will be completed with no further cost to the City. Motion carried on roll 4-0, Schorg absent. City Engineer Steffen will order additional counters.

Attorney reviewed proposed 28E Agreement that had been presented by Ken Gard of Concord Township for fire services from the City of Lawton. Attorney stated "townships cannot bond", therefore Council does not feel wording of this agreement is appropriate and took no action.

Attorney also presented options for Council to consider when reviewing trailer parking. This will be further discussed at November meeting.

Councilman Rick Schorg arrived at meeting at 5:13 p.m.

Ron Kueny, resident at 322 East Oak Street, spoke to Council regarding alley issue. He has cleaned most debris from behind his property, however several large trees have been allowed to grow and cause alley to be moved south. Attorney stated the City needs to tend to this particular problem.

Mayor was questioned about moving a "double-wide" into City. Ordinance states a "factory-built" home is allowed as long as all requirements are met through Iowa Code. It must be placed on a permanent foundation and would require a building permit.

Due to personal issues, Attorney Metcalf left meeting at 5:30 p.m.

Mayor returned to Items 1-3 on agenda. Neal Kuehl, Water Filtration Plant project engineer, reviewed Punch List updated September 12<sup>th</sup> after group inspection on 9/11/06. Several items are still of concern. Steffen has not yet checked on integrity of stainless steel tanks as requested by City. Kuehl was told by Council to contact manufacturer regarding pump noise when pumps are running. New well pumps do not seem to produce as much water as originally projected. After considerable discussion on this point, Steffen stated possibility of running both pumps at same time. He stated Dakota Drilling mentioned that running at 18 amps will not hurt motor on pumps. Currently pumps are running between 15.7 amps and 16.3 amps. Pumps have 10 hp motors. Cost could be from \$5,000-\$10,000 per pump if motors were increased to 15 hp motors. Masching stated, "It shouldn't be city responsibility to pay for new pumps". Kuehl will check with electrical engineer on feasibility of running both pumps at once.

Contractor still needs to fix two small leaks on lines within Water Treatment Facility. Boiler needs final calibration. Permit has been received to begin adding Potassium Permanganate to remove final manganese. Other items on Punch List have been attended to.

Kuehl requested Council release retainage of balance due on water treatment facility contract to Christiansen Construction and to include payment of Change Order # 2 which added the well bypass line. Kuehl explained one-year warranty would begin from date of Council acceptance of project. Final pay request would be presented 30 days after Council acceptance of project. Ludwig moved to pay \$582.00 Change Order # 2. Grigg seconded. On roll, motion carried 5-0.

After much discussion, Schorg moved to accept water treatment facility project. Bengford seconded motion. On roll, motion carried 5-0.

Grigg moved to approve pay request from Engineer of \$656.58 for services. Bengford seconded. Motion carried on roll 5-0.

Anderson stated a truck has not been found to replace the white city truck yet. He and Mayor will continue to search.

Ten 30"x60" "Welcome to Lawton" banners and hardware were purchased by F.A.M.I.L.Y. and have been donated to the city. City crew will be installing. Anderson asked Council about possibility of getting Christmas banners to be used with same brackets. Council wants to stay with lighted Christmas decorations on light poles.

Shed over West Creek lift station is in place. Anderson provided photos to Council for inspection.

Councilman Ludwig questioned whether small tractor was actually too small for city purposes. Discussed if Bobcat would be more appropriate. No action taken.

Clerk reported building permit was approved for Bernard Zenor, 506 Pine, chain link fence. Chris Aakhus presented Council with building permit for new dwelling at 407 Elm Street. Council approved.

Fall IMFOA Conference will be held in Des Moines October 18-20. City Hall will be closed during that time.

Clerk discussed concern with water shut-offs at 206 E Birch and 208 E Birch. Billing will go to landlord if second shut-off is not installed by October 10.

Woodbury County Planning & Zoning notified City of Conditional Use Public Hearing regarding tower development permit south of Hwy 20 outside of City limits.

Letter was distributed to Council from Lawton-Bronson Superintendent regarding voluntary contribution of \$5,000 to be used toward "resurfacing" Maple Street.

Nuisance abatement notices were sent to property owners of 426 E Maple and 503 Tara Way regarding weeds and grasses.

Resident Brian McNaughton had asked for new address for garage at his residence. He requested address be South Cedar Street. Due to location, Clerk assigned Hwy 20 address instead.

Council instructed Clerk to submit grant application to MidAmerican Energy for their Trees Please! Grant. Trees would be placed around city water facilities. Clerk will also investigate applying for INS grant for planters along Cedar Street.

Consent Agenda consisted of Minutes from September 5, 2006, disbursements of \$31,648.82 and September 2006 financial statement. Motion to approve Consent Agenda was made by Masching, seconded by Ludwig. Motion carried on roll 5-0.

Bengford notified Council that MidAmerican Energy would be conducting a planned power outage within City of Lawton on Sunday, October 8, 2006 to move power lines near bridge reconstruction on Hwy 20. Estimated time of outage is 2½ hours. Proposed start time is 2:00 p.m. Council asked that Bengford try to move outage to a weekday when more people are at work and less would be affected. Bengford will take Council concerns to MidAmerican Energy.

With no further business to come before the meeting, meeting was adjourned at 7:10 p.m.

**REVENUES BY FUND**

**DISBURSEMENTS BY FUND**

Interest Earned	2,134.20	General	5,499.22
General	11,812.09	Local Option Sales Tax	0.00
Local Option Sales Tax	4,795.88	Road Use Tax	2,973.08
Road Use Tax	5,075.54	Water	10,274.61
Water	15,158.52	Sewer	4,949.24
Sewer	3,325.03	Garbage	5,841.82
Garbage	4,590.47	Fire Disbursements	2,110.85
Fire Revenue	136.27		
<b>TOTAL REVENUE</b>	<b>47,028.00</b>	<b>SEPT. DISBURSEMENTS</b>	<b>31,648.82</b>

**WARRANTS APPROVED**

Lowell Anderson, salary	491.31
Jack Howard, wages	295.59
Ed M Feld, boots	1400.00
Western Iowa Telephone, August	272.10
Lowell Anderson, salary	491.33
Jack Howard, wages	289.96
Christiansen Construction, additional work	1690.38
ICAP, add water treatment plant ins.	842.00
IMFOA, Fall Conference Registration	75.00
Mangold, lab fees	40.00
MidAmerican Energy, August	1379.70
Lowell Anderson, salary	491.31
Jack Howard, wages	226.95
Banner Township, cemetery upkeep	1250.00
ACCO, chemicals	544.00
American Family Ins., employee ins.	719.50
Grainger, digital meter	82.05
Hach Company, testing supplies	76.40
Iowa One Call, locates	19.80
Lawton Pronto, fuel	594.85
Roto-Rooter, West Creek lift station	385.00

Triple D Cont., hauling dirt	362.50
US Bank	324.77
WalMart, clock	17.78
Staples, paper, etc.	85.32
Menards, supplies	221.67
Utility Equipment Co., water supplies	500.40
Woodbury Co. Landfill, 3rd Qtr. Assessment	3397.87
Woodbury Co. Elections, Nov. 8, 2005 election	831.41
Lowell Anderson, salary	491.31
Jack Howard, wages	291.16
Quality Upholstery, motor cover, staging bed	389.65
Lowell Anerson, salary	491.32
Jack Howard, wages	277.44
Patricia Washburn, salary	1670.88
Aflac, employee contrib.	91.50
IPERS	726.91
EFTPS, Fed, Med, SS	2083.74
State of Iowa, withholding	795.00
State of Iowa, sales tax	3219.00
Bomgaars, PVC supplies	17.89
CHN Garbage	2408.95
Colonial Research Chem. Corp, degreaser	127.08
Mangold Env. Testing, lab fees	705.00
Marcus Lumber Co., sewer shed	787.81

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

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