

Lawton City Council Minutes

Special Meeting January 22, 2007

The Lawton City Council met in Special session on Monday, January 22, 2007, at the Lawton City Hall in Lawton. Council members answering roll: Tony Bengford, Terry Masching, Perry Ludwig, and Don Grigg. Rick Schorg was absent. Also in attendance were Clerk Patricia Washburn, Attorney Glenn Metcalf, and City Engineer Jerry Steffen. Mayor Jeff Nitzschke called the meeting to order at 5:00 p.m.

The purpose of this meeting was to discuss the Maple Street Replacement Project.

After discussion, Council Member Grigg introduced **Resolution #2007-03** titled **PRELIMINARY RESOLUTION ESTABLISHING A PUBLIC ASSESSMENT FOR THE 2007 MAPLE STREET IMPROVEMENT PROJECT PURSUANT TO IOWA CODE SECTION 384.42** and moved the same be adopted: WHEREAS: The City of Lawton has proposed the replacement of Maple Street beginning at the intersection of Linden Street and Maple Streets thence East to the intersection of Maple Street and Tara Way. Both north and south of Maple Street on Tara Way to make necessary repairs and merge with existing street surfaces. The replacement shall consist of a Portland concrete street consistent with the City code, curbs, and necessary driveways disturbed by the replacement.

WHEREAS The Council believes the 400 block of Maple Street between Linden Street and Tara Way and 207 and 301 Tara Way shall benefit from the improvements. Said properties consist of Lots 1 through 11 of Oliver Addition, Lots 4, 5 and Lots 7 through 20 of Zenor's Second Addition, City of Lawton, Woodbury County, Iowa.

WHEREAS Steffen Engineering shall prepare the plans, specifications, and cost estimate for the project. The cost estimate shall include: the cost of engineering, preliminary reports, property valuations, estimates, plans, specifications, legal services, a default fund, construction, inspection and testing. Steffen Engineering shall also prepare a plat and schedule and file same with the City Clerk reflecting the directions setout herein regarding the division of costs.

WHEREAS The Council has determined the cost of the improvement should be shared upon the basis of the City paying 65% of the total cost of the street so designated and all of the cost of the intersections at Tara Way and as may be required for the implementation of the improvement. And therefore the property owners shall be responsible for 35% of the total cost of the street project proportionate to their individual frontages upon the street.

THEREFORE BE IT RESOLVED the undertakings described herein shall be undertaken by Steffen Engineering with the assistance of the City attorney and filed with the city clerk at the earliest possible date.

Motion seconded by Masching, carried on roll 4-0. Schorg absent.

Council Member Ludwig introduced **Resolution #2007-04** titled **RESOLUTION ACCEPTING THE PRELIMINARY PLAT AND DETERMINING VALUES OF BENEFITED PROPERTY FOR THE 2007 MAPLE STREET IMPROVEMENT PROJECT** and moved that the same be adopted. In part, this resolution determines the location and scope of the proposed project, and, upon receipt of the preliminary plat and report from the City Engineer, the council established a fair market value for the properties pursuant to Iowa Code Section 384.46. The Council reviewed the Fair Market Value of the properties as established by the Woodbury County Assessor for Taxation and believe these values are the current values appropriate for the purpose of establishing Fair Market Value. Values as established by the Woodbury County Assessor should be adjusted by \$5,000.00 per improved property and \$2,000.00 per unimproved property to reflect the increase in Fair Market Value after the improvement is completed for purposes of this assessment. The Fair Market Value after the improvements have been implemented shall be as specified by Council and labeled as "Lawton Council". The City Engineer shall use such values for purposes of preparing the engineer's report showing the plat, assessment schedule, estimate of cost, and boundaries of the district.

Council Member Masching seconded motion. Motion carried on roll 4-0. Schorg absent. Complete text of resolution, including schedule, is on file for inspection at City Hall.

At this time, City Engineer Jerry Steffen delivered Preliminary Assessment Schedule based on the Flint Formula. Steffen emphasized the schedule is estimated rather than actual. Engineer's total cost estimate of project is \$313,122.00. Of this estimate, City portion would be \$206,454.00. Steffen reiterated that City would pay 100% of project up front, then recover property owners' share of expenses through assessment.

After discussion, Council Member Grigg introduced **Resolution #2007-05** titled **RESOLUTION ADOPTING THE PLAT, SCHEDULE, AND ESTIMATE FOR THE 2007 MAPLE STREET IMPROVEMENT PROJECT** and moved that the same be adopted: WHEREAS The Council has received the Plat, Schedule, and Estimate from the City Engineer.

WHEREAS The Council has reviewed the Plat, Schedule, and Estimate and finds they should be adopted as filed.

THEREFORE BE IT RESOLVED the engineer's report including the plat, assessment schedule, estimate of cost, and boundaries of the district are adopted as filed.

Council Member Ludwig seconded motion. Motion carried on roll 4-0. Schorg absent

Council Member Masching then introduced **Resolution #2007-06** titled **RESOLUTION OF NECESSITY ESTABLISHING A PUBLIC ASSESSMENT FOR THE 2007 MAPLE STREET IMPROVEMENT PROJECT PURSUANT TO IOWA CODE SECTION 384.49** and moved that the same be adopted. In part, this Resolution states the established improvements and boundaries, and states that an estimated total cost of the work, and a preliminary plat and schedule showing the amount to be assessed to each lot is on file at Lawton City Hall.

This Resolution also states that on the 8th day of February, 2007 at 6:00 p.m. in the Friendship Center, the City Council will hear the comments of the affected property owners and interested parties for or against the improvement, its cost, the assessment and the boundaries of the district.

Unless a property owner files objections with the clerk at the time of hearing on the resolution of necessity, the property owner is deemed to have waived all objections pertaining to the regularity of the proceeding and the legality of using the special assessment procedure.

The Council has determined the cost of the improvement should be shared upon the basis of the City paying 65% of the total cost of the street so designated and all the cost of the intersections at Tara Way and Linden Streets. Therefore the property owners shall be responsible for 35% of the total cost of the street project proportionate to their individual frontages upon the street.

Motion seconded by Grigg, carried on roll 4-0. Schorg absent.

Council determined payment for improvement should come from General Fund cash on hand rather than bonding. Suggestions were given to Engineer regarding possible locations for contractor to park equipment during project.

Clerk presented preliminary budget to Council.

With no further business to come before the meeting, Bengford moved to adjourn. Masching seconded. Mayor declared the meeting adjourned at 6:30 p.m.

SIGNED BY: _____
Jeff Nitzschke, Mayor

ATTESTED BY: _____
Patricia L Washburn, City Clerk