

Lawton City Council Minutes

February 6, 2007

The Lawton City Council met in Regular session on Tuesday, February 6, 2007, at Lawton Friendship Center. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Tony Bengford, Terry Masching, Don Grigg, and Perry Ludwig. Rick Schorg was absent. Others attending included City Clerk Patricia Washburn, City Maintenance Lowell Anderson, Engineer Jerry Steffen, Jeanine Chartier, Mark Richardson, Marilyn Fowler, Jessica Cross, Mark Cross, Steve King, Linda Aakhus, (Mrs. Ron) Pat Washburn, Kurt Miene, Virgil Bremer, Steve Allen, Todd Roerig, Larry Aakhus, Dale Peterson, Shawn McArthur, Rick Allely, Gary Byers, Jerry Steffen, Kent Baker, Marie Allely, Eric Hanson, Chuck Hoelker and Jeremy Husk.

Mayor Nitzschke welcomed guests and informed them there would be a slight delay of the Public Hearings as City Attorney hadn't arrived.

Public Hearing regarding proposed amendment to the Char-Mac Addition Urban Renewal Plan and Tax Increment Finance District was opened at 5:10 p.m. This amendment would add the Peterson subdivision and the West Creek Development area to the current Char-Mac District. Jeanine Chartier spoke in favor of the amendment, however would like to see City include piece of land between West Creek Development and Eastland Avenue thereby encompassing area where new ball fields are located. Chartier stated TIF funds may be used to purchase land for parks. Chartier also mentioned possible need to correct wording on amendment designating TIF district as being used for more than just elderly housing. Chartier stated a TIF amendment is possibly only good for four years, therefore infrastructure would need to begin within four years on newly added property. Chartier asked if projects are planned for additional area. Nothing specific is planned at this time. Larry Aakhus asked what TIF money can be used for and where the TIF money goes. It can be used for infrastructure. When certified with County, City of Lawton received all tax money on Char-Mac TIF District except for \$7,000 frozen on property at time District was set up. Funds have been released to regular tax rolls since debt was recovered.

No other written or oral comments were received regarding this Public Hearing. Grigg moved to close Public Hearing at 5:25 p.m. Ludwig seconded motion. Motion carried on roll 4-0. Schorg absent.

Public Hearing for comments on plans, specifications, form of contract and engineer's cost estimate on project known as Maple Street Replacement Project was opened at 5:25 p.m. Regarding written or oral comments, Clerk commented on oral comment from Roger Beck at 433 E. Maple Street stating he would prefer laying sod rather than seeding after street work is done. Beck is ready to have decent street in front of his home. Todd Roerig asked how far into lawns work would be done. Engineer stated about 5'-7' from curbs, work would all be done on right-of-way outside of lot lines. Rick Allely asked if survey pins would be reset and wondered about sprinkler systems. Engineer stated work should not get into survey pins, and sprinkler systems should not be disturbed if they are not in right-of-way. Sprinkler systems located in ROW will be property owners' responsibility to reinstall.

Larry Aakhus asked if project was a "done deal" and if Council was setting precedence with this project. He stated other projects were done without cost to property owners. Street replacements have not been done before, only repairs. Mark Richardson asked if city has long-range plan for whole city or is this a one-time thing? Rick Allely stated he felt city should put together long-range plan before going forth with Maple Street project. He stated other streets in town are in equally bad shape. Aakhus feels this is city responsibility. He also asked why not use asphalt. City ordinance calls for 6" concrete. Pat (Mrs. Ron) Washburn asked why Maple Street was chosen first. Ludwig stated city spends a lot of money each year on repairs, and Maple Street has been repaired each year. Gary Byers replied city didn't spend much on Maple Street this past year, only two patches.

Jeremy Husk asked if Tara Way was an addendum or part of the base bid, and asked how it was decided to extend further north than was discussed last year. Engineer stated that was part of base bid and that a pot hole had developed further north that Council felt should be included in replacement. Bengford stated need to straighten flow of water coming down Tara Way.

Motion by Masching, seconded by Grigg to close Public Hearing at 5:45 pm. Carried on roll 4-0. Schorg absent.

Seven bids were received regarding Maple Street project. Cedar Valley of Waterloo, Iowa had sent bid to City Hall via UPS, then sent revised bid to Engineer due to lower bid on dirt work. Attorney recommended accepting revised bid rather than original. Grigg moved to accept Cedar Valley's revised bid rather than original. Ludwig seconded. Motion carried on roll 4-0.

Attorney opened bid bonds, Engineer opened bids for the following: Cedar Valley Corp of Waterloo Iowa, \$276,414.50; Gill Construction of Jackson Nebraska, \$261,102.75; Sioux City Engineering Company of Sioux City Iowa, \$244,684.00; Godberson-Smith Construction of Ida Grove Iowa, \$224,526.00; Concrete Specialty Inc. of South Sioux City Nebraska, \$262,050.75; Steve Harris Construction of Homer Nebraska, \$232,039.75; Smith Concrete Service Inc of Storm Lake Iowa, \$207,145.00. After receiving bids, Ludwig moved that Engineer review bids and report back to Council by Thursday, February 8, 2007. Grigg seconded. Motion carried on roll 4-0.

Attorney stated City is at \$8.10 maximum tax levy limit.

Char-Mac Drive Deed was not discussed at this time.

Jeanine Chartier shared Preliminary Plat Designs regarding Char-Mac expansion Project. Chartier would prefer street go to east side of Char-Mac property. She also requested city put in infrastructure to be captured back with TIF funds. Variances requested for project include: 31' street width plus 5' sidewalks, rather than 36' street required in ordinances; 10' setback rather than 25' as required; minimum lot size of 4,000 square foot; one-side parking only on streets to decrease obstacles for older drivers. Council discussed desire to stay with 36' streets for uniformity. Attorney mentioned snow removal problems with preliminary plat design as snow will be pushed from streets onto sidewalks. Chartier understands concern and said that will be Char-Mac's problem to clear sidewalks. She stated a 15' setback might be better with snow removal concerns. Council members were divided on setback variance. After discussion, Council felt 4,000 ft. minimum lot size would probably be okay. Regarding one-side parking, Council felt parking should be allowed on both sides of street.

Council discussed Minimum Assessment Agreement with Chartier and asked for a time-line. Chartier asked that Council "be realistic" in putting together a Minimum Assessment Agreement, as Char-Mac already has quite a large revenue base. Chartier also stated most of the area would be taxed commercial rather than residential. Masching asked about having entire street system deeded to city after completion of streets. Chartier stated that was correct, with the exception of a portion on west end of Char-Mac Drive owned by Willard Brian McNaughton.

In response to Todd Roerig's question about number of additional residents and feet of additional streets, Chartier said she is looking at 20 duplexes which would house 40 senior residents, HUD housing, a dementia unit, and a two-story complex to include a physician's clinic. She stressed this is designed as a senior facility. Two cul-de-sacs are in the preliminary plans along with the street that will go south of Char-Mac Drive into the new area.

Mayor and Council felt need to investigate further the drainage situation in the area south of Hwy. 20, as well as more discussion on sewer lift station to handle property south of Hwy. 20. Grigg stated he felt this was a great project, however with differing opinions on setback variance request, Grigg moved to table further discussion until next regular meeting on March 6, 2007. Motion seconded by Ludwig. Carried on roll 4-0. Schorg absent.

Regarding abandoned vehicle located on lot at 404 E Maple Street, Clerk stated she has tried to contact owner of lot by phone, however he has not returned calls. Councilman Schorg also tried to contact owner. Clerk left message at residence of man that owns vehicle in question. In response, mother dropped off letter stating son was unable to move car at this time, but would move it in the spring. Attorney stated car fell under abandoned vehicle ordinance, and said car could be towed. Council said to tag and tow.

Notes from Chuck Hoelker, Banner Township Trustee, were read by Clerk concerning Fire Department. Hoelker expressed need to have mutual agreement between city and townships, as well as desire for capital improvement section in fire budget to allow for purchase of big ticket items. Fire Chief Kurt Miene stated he and the firemen feel the city should not have 100% control of fire department. Attorney stated this is a department of the city and all funds go through the city budget. Townships may contract with City if they desire to have fire protection from the Lawton Fire Department. Agreement drawn up by Attorney Metcalf was modified from ISU Model Agreement. Metcalf stated there is more than one way to write agreement. After considerable discussion, Ludwig moved to approve agreement and contract for Fire Protection as Metcalf presented and direct clerk to send contract to township clerks asking them to reply by March 6, 2007 if they desire to have fire protection from the City. Grigg seconded. Motion carried on roll 3-0. Masching had left meeting at 7:23 p.m. Schorg absent.

Grigg moved to contract lawn care through Town & Country Services, Inc. in the same manner as was contracted in 2006. Tara Way Park and Veterans' Memorial Park will receive 4-step application, water tower lot and out-lots will receive single application in the spring. Motion seconded by Ludwig. Motion carried on roll 3-0. Masching and Schorg absent.

Public Works Director Lowell Anderson stated necessity to insulate and heat West Creek lift station. Cost to insulate will be about \$350. Noel Plummer has been contacted regarding heat. Anderson also discussed replacing 20-year old pump in old sewer lift station. Council directed Anderson to continue searching for replacement.

Check valves have been replaced in water treatment plant by Christiansen Construction. Still have small leak in chlorine tank.

Regarding open house for Water Treatment Facility, Council prefers waiting until spring months.

Clerk reported building permit has been approved for Western Iowa Telephone for new office building in 200 block of Cedar Street.

Clerk went over preliminary budget proposal. After making minor adjustments, Grigg moved to accept preliminary budget estimate and directed clerk to set Public Hearing for March 6, 2007 at 5:00 p.m. Bengford seconded motion. Motion carried on roll 3-0. Masching and Schorg absent.

Mayor Nitzschke read letter from Iowa Municipal Finance Officers Association congratulating Clerk Patricia Washburn for earning designation of Iowa Certified Municipal Clerk. Mayor and Council expressed congratulations to Washburn.

Regarding second reading to amend Ordinance Chapter 3-3 regulating certain parking on city streets in Lawton, Larry Aakhus expressed disagreement with amendment. Mayor explained concerns of city in regard to liability issues with trailers and other items put on city streets and left unattended. This amendment would keep streets clear for use by those traveling on them. Bengford stated city position of having to look at both sides of issues. After hearing second reading, Grigg made motion to approve, Bengford seconded. Motion carried on roll 3-0. Masching and Schorg absent.

Attorney read Resolution 2007-07 Assessing Utility Bill to Taxes regarding property at 111 West Creek Drive. Larry Aakhus claimed property was his yellow house on corner and bill wasn't paid because he had not received bill. Clerk informed Aakhus this assessment was not for home he mentioned, but rather home at 111 West Creek Drive. Building permit was issued to Creekside Builders and mailing address on building permit was that of Chris Aakhus. All invoices and subsequent notices have been sent to address on building permit. Larry Aakhus settled outstanding account. Resolution 2007-07 was withdrawn as result.

Consent Agenda consisted of minutes from January 4, January 11 and January 22, 2007, disbursements of \$15,400.21 and January 2007 financial statements. Motion to approve Consent Agenda was made by Ludwig, seconded by Grigg. Motion carried on roll 3-0. Masching and Schorg absent.

Engineer Steffen informed Council of intent to update flood elevation on Lawton map.

With no further business to come before the meeting, meeting was adjourned at 8:20 p.m.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	7,200.08	General	3,696.27
General	2,791.10	Local Option Sales Tax	0.00
Local Option Sales Tax	0.00	Road Use Tax	2,802.95
Road Use Tax	4,977.82	Water	2,943.65
Water	10,147.70	Sewer	2,475.32
Sewer	2,973.63	Garbage	2,408.95
Garbage	4,457.68	Fire Disbursements	1,073.07
Fire Revenue	3025.00		
TOTAL REVENUE	35,573.01	JAN. DISBURSEMENTS	15,400.21

WARRANTS APPROVED

First Trust & Savings, safe deposit box rent	17.00
Lowell Anderson, salary	494.31
Jack Howard, wages	101.24
Colonial Research Corp, Dissolve	163.11
EDM Equipment Co., headset	284.65
Iowa One Call, locates	8.10
Lawton Pronto, November & December	793.29
Lowe's, cabinet supplies	26.28
Moville Record, 5 pubs	512.65
Suburban Supply, backhoe & labor	350.75
US 20 Association, 2007 dues	100.00
US Postmaster, Fire Dept. box rent	70.00
Western IA Tele., December	300.43
Lowell Anderson, salary	494.32
Jack Howard, wages	215.44
US Bank	397.97
Staples, office supplies	114.00
USPS, postage	156.00
NET INS, 3 yr. web name	44.85
Menard's, supplies	83.12
ICAP, add W. Cr. Lift station to ins	187.00
Lowell Anderson, salary	494.32
Jack Howard, wages	184.98
Bomgaars, flood lights	7.98
Colonial Research, Dissolve	135.00
Display Sales, 6 banners	660.00
Ed M Feld, hose repairs	31.96
MidAmerican Energy, December	1987.33
Lowell Anderson, salary	494.31
Jack Howard, wages	304.80
Patricia Washburn, salary	1708.88
IPERS	586.37
Aflac, employee contrib	91.50
EFTPS, Fed, Med, SS	1610.92

CHN Garbage	2408.95
Daniel Sanford, fire physical reim.	43.00
Ziegler Cat, hose couplings	133.37

SIGNED BY: _____
Jeff Nitzschke, Mayor

ATTESTED BY: _____
Patricia L Washburn, City Clerk