

Lawton City Council Minutes

March 6, 2007

The Lawton City Council met in Regular session on Tuesday, March 6, 2007, at Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Perry Ludwig, Don Grigg, Rick Schorg and Tony Bengford. Terry Masching was absent. Others attending included City Clerk Patricia Washburn, City Maintenance Lowell Anderson, City Attorney Glenn Metcalf, Todd Roerig, Steve King, Nancy Countryman, Kent Baker, Dale Peterson, Linda Aakhus, Jeanine Chartier and Brian McNaughton.

Mayor Nitzschke welcomed guests and opened Public Hearing regarding budget estimate for Fiscal Year beginning July 1, 2007 and ending June 30, 2008. As no written or oral comments had been received regarding proposed budget, Ludwig moved to close Public Hearing at 5:05 p.m.. Grigg seconded motion. On roll, motion carried 4-0 with Masching absent. Motion to adopt **RESOLUTION #2007-08, A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2008** as presented was made by Ludwig, seconded by Grigg. Motion carried on roll 4-0. Clerk was instructed to forward budget information to County Auditor and to State as required. Complete text of Resolution #2007-08 and Budget are on file at City Hall.

Steve King spoke to Council regarding possible locations of box culverts under second access street into West Creek development. Council prefers extending Ash Street into new development rather than extending West Birch Street due to narrow bridge currently in place on West Birch. Engineer will be contacted regarding costs.

Nancy Countryman from Woodbury County Area Solid Waste Facility spoke to Council regarding recycle trailer currently located south of Hwy 20 on County lot. Countryman stated there is much more recycling taking place in Lawton than in the past and wondered if Council would prefer trailer be on north side of Hwy 20. Due to present location convenience, Council would like it to stay where it is. Countryman will provide flyers to Clerk for distribution regarding recyclables.

Mayor Nitzschke turned meeting over to Mayor pro tem Grigg and spoke to Council as taxpayer. Nitzschke questioned Council's decision not to assess share of street replacement costs with abutting property owners on Maple Street since their property valuations will see an increase with new street. He is concerned with how future streets will be funded. Grigg stated he wasn't entirely comfortable with assessment at start of project, and felt city could absorb cost with the lower-than-projected bids. Bengford stated he did much research prior to his final decision, and felt this Council was setting precedence. He stated streets in that addition of town are not good, but decided it was not fault of the property owners. Ludwig stated he realized future Councils could proceed differently than what this Council is doing. He felt it was right thing to do. Masching was not present to voice his opinion. Schorg was not present at meeting in question. Nitzschke stated he felt City wasted much time and money on assessment plans not to follow through. Nitzschke then took meeting over again as Chair.

Upon phone recommendation of Engineer Jerry Steffen, Grigg moved to award Maple Street Replacement contract to low bidder of Smith Concrete Services of Storm Lake, Iowa with a bid of \$207,145.00. Motion seconded by Ludwig. Carried on roll 4-0, Masching absent.

Attorney spoke to Council regarding Char-Mac TIF District amendment. Due to confusing information in Iowa Code, Mark Corey from Ahlers Law Firm had been consulted. An amendment was made in Iowa Code one year prior to original Char-Mac TIF District set up. Corey determined Char-Mac was commercial, however projected condos would be considered housing with a draw-down window for TIF funds of 10 years. Jeanine Chartier stated dementia unit may be added within four or five years, condo units would be started right away. Chartier stated eight units have been spoken for. Regarding street going into area south of Char-Mac, general consensus with Council was to extend Cedar Street south along west side of existing building. Council discussed concern with small piece of property owned by Willard Brian McNaughton in line with Cedar Street, and discussed possibility of moving street east 30' so entire street would be on Char-Mac property. Condemnation procedures were discussed. Attorney stated it could take up to 18 months to condemn, and could cost between \$2,000 and \$10,000.

McNaughton joined meeting and stated he would sell property for right amount. McNaughton also stated his easement only allows access to Char-Mac property, not Peterson's or any other property. After much discussion with Chartier and McNaughton, Council determined Chartier should settle property concern with McNaughton before further action is taken by Council. Regarding variances requested by Chartier at February meeting, consensus by Council was for 36' streets to have 25' setback, and 31' cul-de-sacs to have 15' setback.

If Cedar Street were to be extended south of Hwy. 20, property owner Dale Peterson could be affected also. Peterson stated he wouldn't feel right charging city for property used for new street. Extensive discussion took place regarding drainage south of Hwy 20. Lift station could possibly be built on Peterson's property to handle all sewer south of highway.

Corey recommended creating new TIF district rather than amending current district if Council is still considering putting Petersen Annexation and West Creek Development into TIF area. No action was taken by Council at this time.

Mayor Nitzschke spoke to Spencer Griffith of Concrete Complete regarding concrete work in 300 block of Cedar Street. Low areas need to be repaired so water drains properly rather than pooling. Griffith will finish Cedar Street and repair low areas at cost of \$17,285. Griffith stated work would be started as soon as weather allows.

Upon recommendation by Counsel concerning modification of City Code 6-9 providing for extraterritorial review of subdivisions, Councilman Grigg introduced and caused to be read the following proposed ordinance amendment: **Amend Section 6-9-29** to include "APPLICATION. Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or after the effective date of these regulations into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the city of Lawton, Iowa or within one (1) mile of said city and also within the following described parcels: The East Half of Section 31, the North Half of Section 32, The West half of Section 33, all in Township 89 North, Range 45 West of the 5th PM, The East Half of Section 4, all of Section 3, and the West Half of Section 2, Township 88 North, Range 46 West of the 5th PM, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

Add Section 6-9-30 to read: "EXRATERRITORIAL REVIEW AGREEMENT. The City shall exercise extraterritorial review of developments within one mile of the city as set out in 6-13-3 and apply the standards and conditions applied by the City for review and approval of a subdivision as provided in Section 354.9 of the Code of Iowa.

Motion to amend City Code Section 6-9 was seconded by Schorg. On roll, motion carried 4-0, Masching absent. Attorney reminded Council this amendment does not have to do with land use, but rather with rural subdivisions only.

Mayor appointed Councilman Terrence Masching to serve as representative to the Siouxland Regional Housing Authority. Motion by Ludwig, seconded by Grigg to approve **RESOLUTION #2007-09 CONFIRMING APPOINTMENT OF HOUSING AUTHORITY COMMISSIONER**. Motion carried on roll 4-0, Masching absent.

City Maintenance Supervisor Lowell Anderson reported cost of \$7,000 to purchase replacement parts for main lift station. Anderson stated there is 3 month wait for products. Ludwig moved to get parts ordered. Schorg seconded motion. Motion carried on roll 4-0, Masching absent.

Anderson and part-timer Jack Howard were commended for the great job in snow removal during the recent blizzards.

Washburn read letter from resident regarding proposed parking ordinance changes. This resident has no garage, therefore parks on street. Council stated ordinance would not effect his situation.

Regarding temporary mail service during Maple Street reconstruction, Postmaster stated residents would need to contact her to set up General Delivery mail.

Building permit was approved for new dwelling for Chris Aakhus Construction, 401 Elm St.

Grants of \$1,000 each were received from Iowa Network Services and Western Iowa Telephone Association. Grant monies will be used toward purchase of new playground equipment in Tara Way Park.

Mark Richardson donated digital recorder to city. Council approved donation. Recordings of regular meetings will not be kept indefinitely, only until Council approves minutes.

Regarding 3rd and final reading of **Ordinance Chapter 3-3 Regulating Certain Parking on City Streets in Lawton**, motion was made by Bengford, seconded by Ludwig to approve and adopt this ordinance amendment. In part, this amendment limits street parking by certain motor trucks, campers, roll-offs, etc. unless a permit costing \$50 per week has been issued by Council allowing such use for not more than six weeks. This amendment also limits any vehicle from standing in one place for a period of more than seven days. Other provisions also apply. Motion carried on roll 4-0, Masching absent. Full text was sent to each resident with February water bills. Full text of ordinance is also available at City Hall for inspection.

Consent Agenda consisted of minutes from February 6 and February 8, 2007, disbursements of \$23,623.10 and approval of Lawton Pronto liquor license. Motion to approve Consent Agenda was made by Grigg, seconded by Ludwig. Motion carried on roll 4-0. Masching absent.

City Attorney Metcalf called attention to the need to discuss a potential suit naming the City of Lawton as a party. He advised that this was a matter suitable for consideration in closed session and requested the council to consider moving to closed session. Councilman Ludwig moved for the council to meet in closed session. Being advised upon the matter, Councilman Schorg seconded the motion that the council hold a closed session pursuant to Iowa Code §21.5(1)(c). A roll call vote was taken. On roll, Ludwig, Grigg, Schorg and Bengford voted Aye. No Nays. Masching absent. Mayor Nitzschke declared that the affirmative vote was the unanimous vote of those councilmen now present and was therefore carried. Council went into closed session at 7:25 p.m.

Council came out of Closed Session at 8:25 p.m.

With no further business to come before the meeting, meeting was adjourned at 8:25 p.m.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	6,758.47	General	6,052.41
General	3,283.27	Local Option Sales Tax	0.00
Local Option Sales Tax	6,647.52	Road Use Tax	4,807.63
Road Use Tax	5,354.45	Water	4,772.02
Water	10,833.15	Sewer	2,566.91
Sewer	3,481.97	Garbage	2,446.45
Garbage	4,442.57	Fire Disbursements	2,977.68
Fire Revenue	7,700.00		
TOTAL REVENUE	48,501.40	FEB. DISBURSEMENTS	23,623.10

WARRANTS APPROVED

Lowell Anderson, salary	494.32
Jack Howard, wages	379.19
Electronic Specialties, Inc., radio interface	279.35
Lawton Pronto, fuel	470.62
Moville True Value, mount repairs	18.93
S&S Equipment, battery	72.52
Stan Houston Equip., repair ground pounder	39.50
Steffen Engineering, traf. Cntr, new wells	2290.68
Utility Equipment Co., fittings	24.24
Western IA Telephone, service	267.91
Lowell Anderson, salary	494.31
Jack Howard, wages	218.87
Ed M Feld, gloves, boots, hoses	1349.90
MidAmerican Energy, January	2360.94
Siouxland Dist. Health, lab fees	169.00
US Bank	1339.08
QuickBooks Payroll	199.00
WalMart, supplies	15.68
USPS, 2,000 stamped envelopes	874.05
Menard's, supplies	44.09
HyVee, batteries	11.32
Staples, office supplies	194.94
Ziegler Cat, bulb	18.62
Lowell Anderson, salary	494.31
Jack Howard, wages	273.79
Heidi Redenius, deposit refund	71.87
Heiman Fire Equipment, webbing	69.75
Metcalf, Thompson & Phipps, legal fees	2095.00
SIMPCO, traffic counter	750.00
Tegra, road salt	176.53
Town & Country, lawn service	690.65
O'Reilly Automotive, oil filter	7.92
Lowell Anderson, salary	494.33
Jack Howard, wages	233.81
Patricia Washburn, salary	1708.90
Aflac, employee contrib.	91.50
EFTPS, Fed, Med, SS	1728.96
IPERS, contribution	625.95
Bomgaars, sewer supplies	237.90
CHN Garbage	2408.95
WITCC, training 19 FD + 1 rope tech	1175.00

SIGNED BY: _____
 Jeff Nitzschke, Mayor

ATTESTED BY: _____
 Patricia L Washburn, City Clerk