

Lawton City Council Minutes

April 3, 2007

The Lawton City Council met in Regular session on Tuesday, April 3, 2007, at Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Don Grigg, Terry Masching, Perry Ludwig. Rick Schorg arrived at 5:05 pm. Tony Bengford and Attorney Glenn Metcalf arrived at 5:10 pm. Others attending included City Clerk Patricia Washburn, City Maintenance Lowell Anderson, Todd Roerig, Steve King, Dale Peterson, Rollie Clark, Jerry Steffen.

Mayor Nitzschke welcomed guests.

Steve King asked why Council wanted to extend Ash Street into the West Creek development rather than extending Birch Street. Mayor cited the Ordinance requiring 36' street. This would not be possible with Birch Street. Phase 2 of West Creek may begin this summer. City will install box culvert across drainage ditch once street in Phase 2 is extended. Posts and possible guard rail will be installed on west end of Birch Street to prohibit traffic from entering West Creek from Birch. Steffen estimated cost of box culvert to be approximately \$75,000. King asked if area was going to be put into TIF district. No decision has been made at this time.

Rollie Clark of CHN Garbage spoke to Council regarding grass clippings. Current contract does not offer stipulation dealing with grass clippings. Although Woodbury County Area Landfill will accept grass clippings, Clark does not want to pick them up in garbage cans due to excessive tipping fees at the Landfill. After considerable deliberation, city will refer back to "orange bags" as sold by CHN for grass clippings.

Regarding request from Char-Mac to declare the Char-Mac property an Enterprise Zone, motion made by Masching, seconded by Schorg to make declaration. Motion carried on roll 5-0. Enterprise Zone declaration will stand for two years from date of application. Clerk will begin application process.

Attorney reiterated recommendation to create new TIF districts rather than amending current Char-Mac TIF district. With many questions still unanswered, no decision was reached.

Council discussed at length letter received by Stan and Jeanine Chartier regarding requests concerning the Char-Mac Urban Renewal District. It was determined that no specific information has been presented to Council in order for them to make an informed decision on expanding the project. Council feels it is the developer's responsibility to propose a Development Agreement that would specify requested commitment from the City, as well as specify a commitment from the developer in the form of a minimum assessment valuation. Council asked Attorney Metcalf to respond to Chartier's letter as instructed by Council. Council also instructed Attorney to specify that no financial commitment has been made by city as this time, and such commitment will only be made through written Development Agreement approved by resolution.

Quotes were received from American Family Insurance and EGR Insurance regarding individual health insurance plans. After much consideration, motion was made by Bengford, seconded by Ludwig, to continue with American Family on same plan. Motion carried on roll 5-0. Both agents will be asked to make presentation to Council prior to next quarterly renewal.

Letter was received from DOT regarding future plans to widen 55 mile stretch of Hwy 20 to four lanes. Letter did not discuss bypassing Lawton. Clerk will notify DOT of potential project on Char-Mac property.

Request for donation from Summer Bell Program was denied.

Clerk asked for volunteers to help with choosing playground equipment for Tara Way Park. Councilman Schorg, Mayor Nitzschke and resident Todd Roerig will meet with Clerk to look at equipment options. Presentation will be made at May meeting.

Clerk reported electricity is on at ball field.

Grigg and Mayor Nitzschke will work on choosing trees to be purchased with MidAmerican Energy Tree Grant. Schorg stated he has access to tree spade if city needs to use it.

Council felt water treatment plant Open House should be held after landscaping was complete.

Clerk reminded Council of Western Iowa Telephone Annual Meeting to be held Thursday, April 12.

Public Works Director Anderson informed Council of bid from Noel Plummer for \$1,260 to upgrade electrical equipment in West Creek lift station. Council questioned need for heater. Motion by Ludwig, seconded by Masching to upgrade with modifications. Motion carried on roll 5-0.

Council also discussed extending culvert in front of gas substation on north edge of city on east side of Cedar Street. Mayor will contact County regarding possible purchase of culvert.

Owners of Maxine's have provided much rock in alley behind business. City will extend rock surface for better alley surface.

Anderson also stated lagoons are about at their maximum.

Building permit applications have been approved for David Miller, 219 E Maple, garage; Jesse Pedersen, 413 E Main St., fence; Roy Perry, 415 E Main St., fence. Also approved were Cory Loreth, 105 Cedar, deck; Corey Malm, 414 E Oak, enlarge deck. Application from Tabitha Baltushis was not approved at this time. Owner needs to find lot lines before application is considered.

Council verified all animals picked up at-large in city will be taken to Humane Society. They are not to be transported home. A transport fee of \$25 will be charged according to City Ordinances. Council instructed Public Works Director to purchase large pet kennel for transporting. Regarding residents refusing to license pets, attorney will issue Municipal Infraction of \$250 per unlicensed pet upon receipt of information for offenders.

Motion made by Masching, seconded by Grigg to set Public Hearing for purpose of calling outstanding General Obligation Capital Loan Notes dated April 1, 1996. Public Hearing shall be set for May 1, 2007 at 5:00 p.m. Motion carried on roll 5-0.

Current city budget will need to be amended to include additional expenses from water treatment plant and wells, excessive street repairs, and to include calling outstanding General Obligation Notes. Motion made by Masching, seconded by Ludwig to set Public Hearing regarding budget amendment for May 1, 2007 at 5:00 p.m. Motion carried on roll 5-0.

Council will be enforcing new parking ordinance.

Steffen stated approximate start date on Maple Street reconstruction will be around July 1, 2007. Council will request dumpsters be located on each end of project for residents to use during construction. Landfill will also possibly bring in trailer for recyclables during that time.

Steffen will submit list of concrete contractors to Mayor for consideration in finishing Cedar Street project. Low spots from previous contractor have still not been repaired. Contractor has been contacted and stated he would do repair work at no charge.

Mayor will discuss reimbursement concerns with fire department. Regarding possible new door on garage next to City Hall, Council concurred that emergency access would not be granted via City Hall. Alternate means would have to be investigated.

Consent Agenda consisted of minutes from March 6 and March 12, 2007, disbursements of \$42,670.08 and financial statements for February and March, 2007. Motion to approve Consent Agenda was made by Grigg, seconded by Masching. Motion carried on roll 5-0.

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 Bengford moved for the council to meet in closed session. Being advised upon the matter, Councilman Grigg 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, Grigg, Masching, Bengford, Schorg and Ludwig voted Aye. No Nays. 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 7:56 p.m.

Council came out of Closed Session at 8:27 p.m.

With no further business to come before the meeting, meeting was adjourned at 8:30 p.m.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	2,626.88	General	12,582.69
General	2,387.50	Local Option Sales Tax	0.00
Local Option Sales Tax	5,744.46	Road Use Tax	10,469.59
Road Use Tax	6,053.81	Water	5,866.19
Water	10,421.71	Sewer	3,024.29
Sewer	3,093.63	Garbage	5,834.82
Garbage	4,463.87	Fire Disbursements	4,892.50
Fire Revenue	600.00		
TOTAL REVENUE	35,391.86	MARCH DISBURSEMENTS	42,670.08

WARRANTS APPROVED

Lowell Anderson, salary	494.31
Jack Howard, wages	233.81
Colonial Research Corp., Dissolve	154.76
Ken Eyres, reim. Broken glasses	47.98
IMFOA, dues 07-08	30.00

Lawton Pronto, fuel, misc	853.30
Marx Truck Trailer Sales, cutting edge	111.79
O'Reilly Automotive, misc. veh. Supplies	70.49
Share Corp., Natraklene	128.99
Tegra Corp., road salt	83.38
Western IA Telephone, February	279.54
Lowell Anderson, salary	494.31
Jack Howard, wages	414.74
ICAP, insurance	12224.00
IMFOA, spring conf. Washburn	75.00
Patricia Washburn, exp. Stmt. 9/06-3/07	174.90
Lowell Anderson, salary	494.32
Jack Howard, wages	342.65
Lawton Pronto, fuel, misc	806.55
US Bank	186.51
Symantec, Norton Anti-Virus	29.99
Staples, office supplies	156.52
Lawton Pronto, refund ¼ cig. Permit	18.75
Lowell Anderson, salary	494.31
Jack Howard, wages	223.52
ACCO, chlorine	783.80
Bomgaars, tarp straps	19.84
Ed M Feld, bunker gear, boots	2017.00
JP Cooke, pet tags, misc	50.88
Menard's, ladder, bulbs, pothole patch	147.50
MidAmerican Energy	2275.72
Steffen Engineering, Maple St.	5012.50
Woodbury Co. Landfill, 1st Qtr. Assmnt.	3397.87
Ziegler Cat, bulbs	18.52
Lowell Anderson, salary	494.32
Jack Howard, wages	165.58
Patricia Washburn, salary	1708.88
EFTPS, Fed, Med., SS	2019.16
IPERS	727.15
Aflac	91.50
CHN, garbage	2408.95
State of IA, Withholding	834.00
Ben Handke, reim. Cell phone replacement	50.00
State of IA, Sales Tax	2009.00

SIGNED BY: _____
Jeff Nitzschke, Mayor

ATTESTED BY: _____
Patricia L Washburn, City Clerk