

# Lawton City Council Minutes

**June 5, 2007**

The Lawton City Council met in Regular session on Tuesday, June 5, 2007, at Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Tony Bengford, Don Grigg and Terry Masching. Rick Schorg arrived at 5:02. Perry Ludwig was absent. Others attending included City Clerk Patricia Washburn, City Maintenance Lowell Anderson, Attorney Glenn Metcalf, Steve King, Attorney Dan Moore, Richard Monk, Richard Moore, Michelle Albright, Jerry Steffen, Mr. & Mrs. Richard Burkhart, Craig Meyer and Chuck Hoelker.

Mayor Nitzschke welcomed guests.

Michelle Albright presented information regarding LB Fall Kick-Off fundraiser to be held August 25, 2007. Portion of 300 block of Cedar Street will be blocked off for music, auction and street dance that day. Area residents will be notified by fundraiser committee. Motion made by Masching, seconded by Grigg to approve request for fundraiser. Motion carried on roll 4-0. Ludwig absent.

Richard Morgan spoke to Council regarding drainage ditch on his property. City Engineer will investigate possible solutions and report to Council at July meeting.

Richard Burkhart presented proposed housing development at 219 Ash Street. Lot is large enough to replat into four lots with duplex on each lot. Council instructed Burkhart to bring formal plat to Council for approval.

Steve King brought final replat of Lots 21-26, Lot 1 and acquired DOT right-of-way for West Creek Development. Clerk stated difficulty in legal aspects of searching for West Creek Drive, West Creek Lane and West Creek Court. County and State websites do not allow directional names or road designations in searches. All addresses would be searched for using "Creek" only. King agreed to change new street to Westcreek Court. Motion made by Schorg, seconded by Bengford to approve Final Plat of West Creek Development Subdivision 2<sup>nd</sup> Filing as presented with request to change name of new street to "Westcreek". Motion carried on roll 4-0. Ludwig absent.

King and Attorney Dan Moore discussed possibility of establishing a Tax Increment Financing District in West Creek Development. Information was presented to Council. King stated he would sign Minimum Assessment Agreement based on construction of two homes per year. Council will consider request at July meeting.

Regarding request from Craig Meyer to install retaining wall on his side of alley passing behind his property at 103 W Birch St, Council discussed Meyer's garage may overlap property line onto city property. Meyer offered to pay one quarter of cost. General consensus of Council is that Meyer should be responsible for erecting retaining wall if he so chooses. City can possibly help with rock.

Mayor discussed street obstruction concerns with Council. Rocks dumped onto West Creek Drive were picked up shortly after Mayor talked to property owner. After looking at county urban imagery map, Council determined roll-off storage unit setting along north side of building at 223 Cedar was setting on city property. Bengford will contact property owner and ask to have unit moved by Friday. If not moved by that time, Metcalf will issue Municipal Infraction according to City Ordinances.

Clerk Washburn shared photos of two playground units committee chose for Tara Way Park. After discussion, Grigg moved to purchase unit on sale for \$24,276 less 3% pre-pay discount. Unit also comes with free bench and basketball goal. Council prefers two benches instead, and requested colors to match shelter and sign in park. Green and tan will be used. Motion seconded by Masching. Motion carried on roll 4-0. Ludwig absent. In discussing wooden equipment currently in use on the site, Council will possibly take sealed bids. Council will also plan to purchase free-standing swings in near future.

Council feels it is not necessary to replace overhead door on parking stall in front of grass rig.

Mayor updated Council on unused well that is to be turned over to school. Clerk had contacted MidAmerican Energy to disconnect power. MidAmerican stated they would transfer service to school instead. After discussion by Council, Bengford will check on possibility of totally disconnecting power.

In discussing employee wage compensation, Council viewed comparison wages from area cities. After consideration, motion was made by Masching, seconded by Bengford to offer Public Works Director Lowell Anderson \$20.00/hour and Clerk Patricia Washburn \$16.00/hour. Motion carried on roll 4-0. Ludwig absent. Regarding part-time worker Jack Howard, Masching made motion, seconded by Bengford, to offer Howard \$12.00/hour. Motion carried on roll 3-0 with Grigg abstaining due to conflict of interest. Ludwig absent. Anderson stated he may need some part-time help through the summer.

Public Works Director Anderson had contacted owners of property at 100 Cedar to discuss manhole on property. Owners do not want manhole to show and currently have it buried under several inches of dirt. After considerable discussion, Attorney stated he would send letter stating manhole will be brought to grade.

Anderson also discussed purchasing chip sealant for some of the streets in town. Schorg asked if holes on Maple Street could be filled in temporarily until contractor was ready to replace.

Weed complaints have come in regarding several locations in town. Clerk will contact owners via telephone to ask their assistance with weeds and growth.

Clerk reported on notice from FEMA stating city had over \$4,500 in eligible expenses during Disaster Declaration of March 1, 2007 blizzard. FEMA will reimburse city 75%. Local volunteers covered city 15% share and State 10% share of expenses.

Email was received from Iowa League of Cities looking for outstanding volunteers in the community. Deadline is June 20 for submissions.

MidAmerican Energy notified the City that the tree grant is to be used for the purchase of trees only, not for relocating trees.

Complaints have been received of barking dogs again this month. Also complaints of low limbs on trees. Respective owners have been notified. Reminders were printed in June newsletter.

Building permit has been approved for Jack Goodwin, 119 Maple, cement slab. Applications were also approved during meeting for Jim Petersen, 432 E Main, pool deck; Doug & Paula Roder, 420 E Main St, storage shed.

Clerk has attended two meetings at school regarding district brochure. Website is being considered in conjunction with brochures. Prospective candidates to provide service will present samples in June.

Clerk reported on Election meeting held at County Courthouse. City elections are this fall. Council approved polls to be open from noon until 8:00 p.m. Mayor seat and three Council seats will be open for election or re-election.

Samples of "welcome packet" materials were provided by area towns. Suggestions for Lawton's packet included state map, golf passes, etc.

Masching questioned posting agenda on city webpage. Clerk stated it was possible, but not required in Ordinances. Council felt it is posted as directed by Ordinance, therefore not necessary to post elsewhere.

Clerk stated notice had been received by credit card company stating an annual fee would be assessed effective July 1. Clerk is investigating use of other credit cards. No annual fee has been paid up to this point.

Bengford informed Council of activities of Fire Advisory Board during past month. Attorney Metcalf opined that the discussion regarding contract documents needs to be resolved prior to July 1 because the Trustees' attorney had notified the City that Banner and Concord Townships were going elsewhere for fire protection beginning July 1, and that position had not been changed. Chuck Hoelker, Banner Township Trustee was present and stated he did not understand that the contract with the city had been canceled.

Clerk notified Council Item #4, approve renewal of Maxine's Restaurant & Lounge liquor license, needed to be removed from Consent Agenda as renewal had not yet been filed with State ABD.

With removal of this item, Masching moved to approve Consent Agenda consisting of May 1, 2007 minutes, disbursements of \$147,621.99, approval of Pronto Retail Cigarette / Tobacco Permit and May financial statements. Grigg seconded motion. Motion carried on roll 4-0. Ludwig absent.

Motion was made by Grigg to approve third and final reading of Ordinance modifying City Code 6-9-29 providing for extraterritorial review of subdivisions. Motion carried on roll 4-0. Ludwig absent. **City Code Section 6-9-29** shall be modified to read: "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 5<sup>th</sup> 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 5<sup>th</sup> 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.

**City Code Section 6-9-30** shall be added to read: "EXTRATERRITORIAL 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.

The City of Lawton shall apply the same standards and conditions for review and approval of a subdivision in the extraterritorial review area established in Section 6-9-29 of the City of Lawton Municipal Code.

The city of Lawton may, by resolution, waive its right to review the subdivision or waive the requirement of any of its standards or conditions for approval of the subdivision in the extraterritorial area. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions within the City unless waived by the City Council. (Code of Iowa, Sec. 354.8, 354.9). Effective upon publication. Masching seconded motion. Motion passed on roll 4-0. Ludwig absent.

With no further business to come before the meeting, meeting was adjourned at 7:45 pm.

**REVENUES BY FUND**

**DISBURSEMENTS BY FUND**

Interest Earned	7,139.69	General	5,338.81
General	21,059.59	Local Option Sales Tax	92,643.75
Local Option Sales Tax	5,744.47	Road Use Tax	5,150.90
Road Use Tax	4,347.67	Water	35,424.10
Water	10,800.48	Sewer	2,515.64
Sewer	3,027.94	Garbage	4,817.90
Garbage	4,446.63	Fire Disbursements	1,730.89
Fire Revenue	0.00		
<b>TOTAL REVENUE</b>	<b>56,566.47</b>	<b>MAY DISBURSEMENTS</b>	<b>147,621.99</b>

**WARRANTS APPROVED**

Barkley Asphalt, hot mix	349.18
CHN Garbage, April	2408.95
Holiday Inn Airport, IMFOA Conf	154.08
Hydro Metering Tech., 6-1" meters, generator, etc	1075.13
Menard's, 2 park trash cans	19.18
Don Grigg, reim. Meet. Attend., mileage	29.55
Lowell Anderson, salary	494.33
Jack Howard, wages	213.23
Analytical & Consulting, lab fees	170.00
Continental Research, weed spray	365.86
Iowa DNR, WW Cert. Renewal	60.00
Lawton Pronto, fuel	560.31
Robertson Imp., mower blade & oil	82.23
West. IA Telephone, April bill	277.14
Lowell Anderson, salary	494.31
Jack Howard, wages	254.41
Alliance Concrete, Inc., ready mix, limestone	193.50
Central IA Dist., supplies	241.95
Colonial Research Chem., Dissolve	150.00
Fireguard, compressor fill station repair	250.57
MidAmerican Energy, April	1674.96
Tri State Communications, program radio	50.00
Triple D Contracting, rock alley/Maxine's	638.88
Lowell Anderson, salary	494.31
Jack Howard, wages	265.92
IMWCA, work comp '07-'08	3817.00
IA Assn. of Muni. Utilities, CCR CEUs	10.00
Martin's Flag Co., 3 IA flags	81.47
Aflac, employee contrib.	91.50
Barkley Asphalt, hot mix	300.86
Matt Parrott & Sons, minutes book	125.84
Menard's, landscape & repair supplies	130.56
IPERS, May contribution	613.20
EFTPS, Fed, Med, SS	1688.26
Lowell Anderson, salary	494.32
Jack Howard, wages	278.44
Patricia Washburn, salary	1708.90
First Trust & Savings, bond payments	49526.25
First Trust & Savings, call 5 GO bonds	75000.00
Alliance Concrete, Inc., ready mix, limestone	347.00
Bomgaars, shop supplies	31.46
CHN Garbage, May	2408.95

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

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