

Lawton City Council Minutes

October 2, 2007

The Lawton City Council met in Regular session on Tuesday, October 2, 2007, at the Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Rick Schorg, Terry Masching, Perry Ludwig, Don Grigg and Tony Bengford. Others attending included City Clerk Patricia Washburn, City Maintenance Lowell Anderson, City Attorney Glenn Metcalf, Jerry Steffen, Steve King, Attorney Dan Moore, Chad Sitzman and Kent Baker.

Mayor Nitzschke welcomed guests.

Concerning the proposed Lawton Urban Renewal District and Renewal Plan for West Creek Development, Attorney Metcalf read **Resolution #2007-17, RESOLUTION APPROVING AND ADOPTING LAWTON URBAN RENEWAL PLAN**. In part, Resolution #2007-17 defines area covered by West Creek Development Urban Renewal Plan. The project area is a combination of residential and commercial property and is to be developed as such. The city held consultation between affected taxing entities on Sept. 4, 2007 as required by Iowa Code section 403.5 with no taxing bodies appearing in person or by written comments. Public Hearing was also held Sept. 25, 2007 as required by law. Therefore be it resolved that this urban renewal area will promote the public welfare and proper development of the community and the City Council pledges its cooperation in helping to carry out the urban renewal plan. Motion to approve and adopt said resolution made by Schorg, seconded by Bengford. Motion carried on roll 5-0. Complete text of resolution is on file at City Hall.

Resolution #2007-18, RESOLUTION APPROVING DEVELOPMENT AND ASSESSMENT AGREEMENTS FOR WEST CREEK DEVELOPMENT AREA WITH WEST CREEK ADDITION, LLC was then introduced and read by Attorney Metcalf. In part, Resolution #2007-18 approves development of West Creek Development Area and approves financing of the property with tax increment financing (TIF). Development and Assessment Agreements have been previously reviewed by Council. Motion to approve and adopt said resolution made by Schorg, seconded by Masching. Motion carried on roll 5-0. Complete text of resolution and agreements are on file at City Hall.

Chad Sitzmann appeared before Council to discuss approximately 1,500 square feet on the northwest corner of his property that will be needed to extend Ash Street into West Creek Development. After considerable discussion Masching moved to offer no more than \$3,000 for property. Grigg seconded motion. Sitzmann stated he wanted \$7,000 and also asked about a small portion of ground the city originally considered trading with Sitzmann. Council asked Sitzmann if his property was in flood plain. Sitzmann stated he pays flood insurance. After discussion of condemnation proceedings and costs involved to both parties, Masching withdrew motion. Schorg then moved to buy said property for \$4,000 with no additional compensation in order to extend east boundary of Ash Street. Council will pay for survey and will prepare release of mortgage for corner section. Bengford seconded motion. Motion carried on roll, 5-0. Mayor Nitzschke then reviewed Council decision with Sitzmann.

Jerry Steffen presented pay request from Smith Concrete Service, Inc. for \$121,567.50 for work completed to date on Maple Street Replacement project. Work has been delayed several days due to rain. Otherwise Council is satisfied with progress on project. Motion made by Grigg, seconded by Ludwig to pay Smith Concrete pay estimate # 1 as requested. Motion carried on roll call vote 5-0. Steffen stated concrete tests are coming back with excellent results.

Repair work on north half of east side of 300 block of Cedar Street is about half completed. As weather cooperates, next section in front of Post Office and alley will be replaced.

Regarding north end of Pine Street where rain runoff has undermined street in Shorman addition, Council discussed options. City engineer, Steffen, will visit site and give recommendation to Council.

Motion by Masching, seconded by Bengford to hire Town & Country Lawn Service to treat water tower lot this fall at cost of approximately \$150. Motion carried on roll 5-0.

Tony Bengford, MidAmerican Energy representative, presented \$250 donation to the City for purpose of assisting with playground equipment in Tara Way Park.

Mayor has approached Ken Eyres regarding city representation at E911 Board Meetings. Eyres will consider appointment.

The Mayor called attention to the need to consider changes to the Mayor and Council member salaries beginning January 1, 2008. A general discussion followed. Thereafter, Councilman Masching introduced and caused to be read the following proposed ordinance: **AN ORDINANCE FIXING AND ADOPTING CHANGES IN SALARY FOR MEMBERS OF THE CITY COUNCIL AND MAYOR**. In part, this ordinance amendment will change City Code Chapter 2-4-2 to allow Mayor salary of \$1,500 on June 30th and \$1,500 on December 31st of each year rather than the current \$900 on June 30th and \$900 on December 31st. There will be no change to Council meeting pay. Grigg seconded motion. Motion carried on roll 5-0. Ludwig moved to waive requirement to read ordinance amendments at three meetings prior to final adoption. Bengford seconded motion. Motion carried on roll 5-0. Motion by Grigg, seconded by Ludwig to proceed immediately to final reading and acceptance of proposed ordinance. Motion carried on roll 5-0. This change shall be effective January 1, 2008, or upon publication, whichever shall occur last. The City Clerk is directed to publish ordinance as required by law.

Council instructed Clerk to apply for MidAmerican Energy Trees Please! Grant. Trees could be planted along Ash Street project.

City Maintenance Supervisor Lowell Anderson reported water tower was cleaned after eleven months of service. Minimal sludge was apparent due to effects of water filtration plant. In past years, tower had been cleaned at least every six months with considerable sludge being drained.

Sign posts have been received from State Small Town Sign Replacement Program. State shed will notify City when actual STOP signs arrive.

Tara Way Park has been too wet for city crew to prepare ground for playground equipment installation. Council directed Clerk to inquire about supervisory assistance October 8-11 or October 26 & 27. City may end up installing equipment without use of Supervisor if dates cannot be arranged.

With Council approval, building permits will be listed in minutes by address only. The following permits were issued this past month: 311 Cedar, office, storage; 423 E Birch St., shed; 118 West Creek Dr., shed, fence.

Clerk informed Council she has received word she has been commissioned by the Iowa Secretary of State as an Iowa notary public.

Clerk stated City Hall will be closed October 11 for personal reasons. City Hall will also be closed October 17-19 during Fall IMFOA Conference in Des Moines.

Mayor spoke to Council regarding installation of speed limit signs due to numerous comments from concerned citizens particularly when Maple Street reopens. According to Attorney Metcalf, drivers are presumed to know that residential and school areas are 25 mph and business districts are 20 mph. Councilman Schorg reported visiting with Woodbury County Sheriff about this matter. Council instructed Anderson to purchase 25-mph speed limit signs and install throughout City.

Attorney informed Council he did not have Fire Protection agreement completed.

Metcalf also discussed Bailey's Subdivision re-plat. Council passed an ordinance several months ago to allow for review of extra-territorial plats and re-plats. After consideration, Council directed Metcalf to draft letter stating Council declines to review plat.

Ludwig made motion to approve consent agenda consisting of approval of minutes from September 4 and September 25, 2007 meetings, approval of disbursements of \$27,013.60 and financial statements for September, 2007. Motion seconded by Masching. Motion carried on roll 5-0.

Councilman Schorg stated he had been approached to change time of Council meetings to later in evening. After discussion, Council stated meetings have lasted into late night hours over the years even with a 5:00 p.m. start. Meetings are rarely over by 7:00 p.m., therefore residents could still come and observe at that time. General consensus of Council is to continue to meet at 5:00 p.m.

Schorg also said Fire Chief Miene had contacted him regarding a 0% interest loan on new truck. No other information was available at this time.

Council asked Steffen to proceed with Ash Street survey and to proceed with acquiring bids after first of year. Ash Street and West Creek Development will be bid as one project, thereby possibly getting a better bid.

With no further business to come before the meeting, meeting was adjourned at 7:25 pm.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	2,104.72	TIF-West Creek	2,441.61
General	11,932.95	General	5,447.56
Local Option Sales Tax	5,633.37	Local Option Sales Tax	0.00
Road Use Tax	5,032.96	Road Use Tax	1,881.76
Water	13,318.01	Water	7,729.34
Sewer	2,989.37	Sewer	2,812.73
Garbage	4,523.76	Garbage	5,835.82
Fire Revenue	0.00	Fire Disbursements	864.78
TOTAL REVENUE	45,535.14	SEPT. DISBURSEMENTS	27,013.60

WARRANTS APPROVED

Lawton Pronto, fuel, pop	483.94
Menard's, sign supplies, flowers	400.53
O'Reilly Automotive, supplies	97.74
Siouxland Concrete Co., riser, curb stop	204.25
Lowell Anderson, salary	549.47
Jack Howard, wages	380.27
IMFOA, Fall conference registration	75.00

Moville J & J Motor, yellow PU repairs	437.09	
Robertson Implement, tractor maint.	102.30	
Western IA Telephone	238.00	
Lowell Anderson, salary	549.46	
Jack Howard, wages	292.18	
Barco, street signs	115.13	
Certified Testing Services, Maple Street	155.00	
MidAmerican Energy	1432.04	
Utility Equip. Co., hydrant, supplies	2379.98	
Woodbury Co. Landfill, 3rd Qtr	3397.87	
Secretary of State, Pat Notary Application	30.00	
Lowell Anderson, salary	549.47	
Jack Howard, wages	190.14	
Barkley Asphalt, hot mix	32.34	
Batteries Plus, battery	40.00	
CHN Garbage	2408.95	
Colonial Research, Citra Burst	90.84	
Dakota Supply Group, meters	584.75	
Fireguard, Inc., test equipment	727.50	
Iowa One Call, locates	25.20	
Maguire Iron, tower cleaning	1380.00	
Menard's, shop supplies	49.18	
Rogers Electric Supplies, sign wiring	56.31	
USBank	15.40	
WalMart, batteries, towels		15.40
Lowell Anderson, salary	549.46	
Patricia Washburn, wages	1982.02	
EFTPS, Fed, Med, SS	1945.22	
IPERS, contribution	708.07	
Aflac, employee contribution	91.50	
IA Dept. of Rev., State withholding	995.00	
IA Dept. of Rev., Sales Tax	2872.00	
Nitzschke Construction, storm sewer repairs	400.00	

SIGNED BY: _____
Jeff Nitzschke, Mayor

ATTESTED BY: _____
Patricia L Washburn, City Clerk