

Lawton City Council Minutes

January 3, 2008

The Lawton City Council met in Regular session on Thursday, January 3, 2008, at the Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Perry Ludwig, Terry Masching, Rick Schorg and Don Grigg. Tony Bengford was absent. Others attending included City Clerk Patricia Washburn, City Attorney Glenn Metcalf, Jerry Steffen, Dan Thompson, Nick Lahrs and Steve King.

Mayor Nitzschke welcomed guests. Grigg moved to approve agenda as presented. Masching seconded. Motion carried 4-0.

Jerry Steffen of Steffen Engineering recommended releasing at least \$20,000.00 of retainage to Smith Concrete for work on Maple Street Replacement Project. Motion made by Masching, seconded by Ludwig to release retainage of \$21,265.75 to Smith Concrete. Motion carried on roll 4-0. Spring seeding and one final saw-cut yet to be completed.

Steffen submitted plans, specifications, form of contract and bid estimate to Council regarding paving improvement projects in 2008. Base project would include Ash Street from Maple St south to West Birch, West Birch Street and West Creek Drive extension north. Options to include Alternate 1, extension of Ash Street from Maple to Main; Alternate 2, section of 400 block of Birch Street and south Tara Way; Alternate 3, Westcreek Court. Cost of project will be divided between City and West Creek developer according to cubic yardage. West Creek developer would prefer early completion date of June 1, 2008, on Westcreek Court to open area for building. Developer may get bids separately for this location. Completion date on all projects will be done in phases. Complete details on file at City Hall.

Steffen also presented survey plat for triangular-shaped parcel of property in NW corner of Lot 10, Block 9 currently owned by Chad Sitzman. City is purchasing 1,238 square foot parcel from Sitzman for purpose of extending Ash Street south.

Steffen stated box culverts will need about 2,500 cubic yards of dirt. City has about 1,500 yards stockpiled and developer may be able to provide the rest. Contractor will move.

Motion by Ludwig, seconded by Grigg to approve **Resolution # 2008-01 SETTING THE DATE FOR A PUBLIC HEARING ON THE 2008 PAVING IMPROVEMENT PROJECTS INCLUDING WEST CREEK DEVELOPMENT AREAS, PLANS, SPECIFICATIONS, FORM OF CONTRACT AND THE ESTIMATED COST AND TAKING OF BIDS THEREFORE.** Said resolution establishes Public Hearing to be held February 5, 2008, at 5:00 p.m. for purpose of hearing comments regarding above mentioned Paving Projects. Sealed bids will be accepted until 5:00 p.m. on February 5, 2008 and will be opened after Public Hearing on said date. City Clerk is directed to publish notices to make public aware of upcoming activities. Motion carried on roll 4-0. Complete text of Resolution is on file at City Hall.

Steffen discussed Ash Street ROW survey with Council. Wooden fence in 300 block is in city ROW. Attorney advised Council removal of fence is not City responsibility.

Mayor discussed request by Jamie Amick of Maxine's that they be allowed to use ball fields to sponsor Snowball Softball Tournament fundraiser in February. Money raised will go toward Bronson building new ball park in their community. Concession stands and bathrooms will not be available for winter use. Porta-pots will be required. Lights are requested for at least one night game. Several games will be scheduled during day. After perusing Waiver of Release provided by Amick's attorney, Attorney Metcalf stated it was good to use. After consideration, Masching moved to allow the use of the ball fields for the requested fundraiser without the use of concession stand or restrooms. Porta-pots must be provided by "sponsor". Schorg seconded motion. On roll: Yeas-Masching, Schorg, Grigg. Nays-Ludwig. Absent-Bengford. Motion carried 3-1.

Councilman Bengford had provided Council with copy of most recent agreement drawn up by members of Fire Advisory Board (FAB). Discussion by Council regarding Item # 4 showing equipment is "jointly owned" by City, Banner and Concord Townships. Schorg stated at joint meeting with townships in spring, everyone agreed not to address the ownership issue unless a need arose. Attorney stated Schorg's comment was correct. One township member was insistent on changing this item to read "jointly owned". Council questioned school calls being charged to City only as students are from both townships also. As Council would like to tie up loose ends on this matter, Masching moved, seconded by Ludwig, to approve agreement dated January, 2008, as presented by Bengford. Motion carried on roll 4-0.

Masching left meeting at 6:00 p.m.

Building permit applications were discussed with particular interest on recent fencing permit issued at 103 West Creek Drive. Although fences may be placed on property line, this permit was applied for showing fence 18" from property line. However, fence was installed only 3" from property line. Due to ongoing concerns with this particular builder, Council directed Attorney to send certified letter to builder, Chris Aakhus, directing builder to fill out new building permit application showing the fence as it has been constructed, and directing Aakhus to submit payment of \$15 for new application. Council will then have opportunity to approve or deny application. If new application is not applied for, Council could request fence be removed.

Clerk discussed need to upgrade operating system and increase memory on City Hall computer within next few months. Two recommendations had been received. After careful consideration, Grigg moved to hire Tri State Electronic Service to upgrade system to Windows XP Pro and to increase memory to 1 GB. Motion seconded by Ludwig. Motion carried on roll 3-0. Bengford and Masching absent.

Garbage hauling discussion was tabled until February meeting. Clerk stated there has been interest in submitting bids for contract.

Ludwig moved to re-appoint Glenn Metcalf as the Lawton City Attorney for 2008-09 calendar years. Schorg seconded. Motion carried on roll 3-0.

Grigg moved to re-appoint Patricia Washburn as the Lawton City Clerk for 2008-09 calendar years. Schorg seconded. Motion carried on roll 3-0.

City Maintenance Lowell Anderson was absent.

Clerk reported City has been notified we have been chosen to receive \$1,000 Trees Please Grant from MidAmerican Energy.

Attorney Metcalf has been in contact with Bond Counsel, Mark Corey from Ahler's Law Firm, regarding TIF funding for 2008 paving projects as some paving will occur in TIF district. Ruan Securities has also contacted Metcalf requesting City use their service in the project. Council directed Metcalf to consider bonding \$500,000 for 2008 paving projects. Reserves can be used for portion of project.

Motion to approve consent agenda as presented consisting of minutes from December 4, 2007, December disbursements in the amount of \$55,588.15 and December financial statements made by Grigg, seconded by Schorg. Motion carried 3-0.

Motion by Grigg, seconded by Ludwig to approve **DEPOSITORY RESOLUTION #2008-02** identifying First Trust and Savings Bank of Merville, Iowa as the City of Lawton's Depository with a maximum deposit of \$1,500,000. Motion carried on roll 3-0. Bengford and Masching absent. Complete text of Resolution is on file at City Hall.

Motion by Ludwig, seconded by Grigg to approve **RESOLUTION #2008-03 ADOPTING A POLICY FOR THE INVESTMENT OF PUBLIC FUNDS**. Motion carried on roll 3-0. Bengford and Masching absent. Complete text of Resolution is on file at City Hall.

With no further business to come before the meeting, Schorg moved to adjourn, seconded by Grigg. Meeting was adjourned at 6:32 pm.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	1,991.00	TIF-West Creek	1,253.03
General	4,620.67	General	29,798.35
Local Option Sales Tax	6,652.50	Local Option Sales Tax	0.00
Road Use Tax	5,066.34	Road Use Tax	5,733.45
Water	10,006.34	Water	8,275.90
Sewer	2,939.10	Sewer	2,890.51
Garbage	4,507.24	Garbage	5,837.82
Fire Revenue	3,377.00	Fire Disbursements	1,799.09
TOTAL REVENUE	39,160.19	DEC. DISBURSEMENTS	55,588.15

WARRANTS APPROVED

Lowell Anderson, cell phone, mileage	178.20
Banner Township, 2007 cemetery upkeep	1250.00
City of Correctionville, reim. Mileage	10.00
Fireguard, Inc., maintenance	410.00
ISU, training	50.00
Plummer Electric Service, transformer	1253.03
Rees Mack Sales, repair & serv.	151.51
Steffen Engineering, engineering fees	10971.25
US 20 Assn., dues	100.00
West. IA Telephone	264.43
Ziegler Cat, loader lamp	120.31
Smith Concrete, Maple Street	11897.53
Lowell Anderson, salary	549.46
Jack Howard, wages	339.20
Lowell Anderson, meeting pay	247.66
Anthony Bengford, meeting pay	265.02
Donald Grigg, meeting pay	258.58
Perry Ludwig, meeting pay	290.90
Terrence Masching, meeting pay	231.88
Jeffrey Nitzschke, mayoral pay	831.15
Rick Schorg, meeting pay	323.22
Patricia Washburn, meeting pay	309.57

Alert-All Corp, kids' giveaways	222.00
Barco, Cat light	170.80
Certified Test. Serv., Maple St	30.00
Day's Door Co, shop receiver	29.00
EGR Ins., surety bond	100.00
Lawton Pronto, fuel, misc	488.60
Menard's, tools, tape	22.93
Metcalf, Thompson & Phipps, legal fees	75.00
MidAmerican Energy	1881.59
Tegra Corp, sand/salt	109.20
Lowell Anderson, salary	549.46
Jack Howard, wages	417.03
Acco, chlorine, service, supplies	550.98
Bomgaars, shovel, connectors	15.97
Central IA Dist., ice melt	134.00
Electric Pump, high service pump	1768.57
Fireguard, Inc., four gas detectors	682.23
IA Rural Water Assn, dues	175.00
Sioux City Iron, supplies	6.22
Steffen Engineering, engineering fees	426.25
Tegra Corp, sand/salt	154.20
US Bank	147.26
Vista Print, Mayor/Council bus. Cards	5.45
Iowa League of Cities, Budget Wkshp	30.00
Wal-Mart, proclamation frames	21.68
HyVee, supplies	5.45
Staples, paper	9.79
Harbor Freight, concrete blade	74.89
US Postmaster, box rent	70.00
Woodbury Co. Landfill, 4th Qtr Assessment	3397.87
Lowell Anderson, salary	549.47
Jack Howard, wages	377.29
Lowell Anderson, salary	549.46
Jack Howard, wages	273.28
Patricia Washburn, salary	1982.03
EFTPS, federal withholding	2539.76
IPERS, wage contribution	898.09
Aflac, employee contributions	91.50
IA Dept. of Rev., withholding tax	1049.00
CHN Garbage	2408.95
Electric Pump, shipping	191.06
Fremont Tire, flat repair	23.54
IIMC, Washburn dues	140.00
IMFOA, dues	30.00
Patricia Washburn, expense check	373.66
IA Dept. of Rev., sales tax	2184.00

SIGNED BY: _____
Jeff Nitzschke, Mayor

ATTESTED BY: _____
Patricia L Washburn, City Clerk