

Lawton City Council Minutes

March 4, 2008

The Lawton City Council met in Regular session on Tuesday, March 4, 2008, at the Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Tony Bengford, Don Grigg, Perry Ludwig and Terry Masching. Rick Schorg was absent at start of meeting. Others attending included City Clerk Patricia Washburn, Public Works Director Lowell Anderson, City Attorney Glenn Metcalf, Engineer Jerry Steffen, Bev Zenor, Howard Logan and Corey Malm. Dale Mitchell entered meeting later.

Mayor Nitzschke welcomed guests. Grigg moved to approve agenda as presented. Masching seconded. Motion carried 4-0. No "work session" held.

Mayor opened Public Hearing at 5:00 p.m. to hear comments on "Conduit Financing" for Sunrise Manor, aka Sunrise Retirement Community, Sioux City, Iowa. The City Council investigated and found that notice of intention to issue revenue bonds or notes pursuant to Chapter 419 of the Code of Iowa in an aggregate principal amount not to exceed \$9,000,000, had, as directed by the City Council, been duly given according to law. This being the time and place specified in the notice for the conduct of a public hearing on the proposal to issue such revenue bonds or notes, the Mayor announced that all local residents attending the hearing would now be given an opportunity to express their views for or against the proposal to issue the revenue bonds or notes. Bev Zenor, Executive Director of Sunrise Manor, gave Council explanation of work to be completed through use of city conduit financing. Howard Logan expressed thanks to Council for Lawton's participation in this venture. As no written or oral comments had been received by the City Clerk or any of the Councilmen, motion made by Bengford, seconded by Ludwig to close public hearing. Motion carried on roll 4-0. Schorg absent. Public Hearing was closed at 5:05 p.m.

Mayor opened Public Hearing at 5:07 p.m. to hear comments on Fiscal Year 2009 Budget Estimate for City of Lawton. With no written or oral comments received by the City Clerk or any of the Councilmen, Grigg moved to close public hearing. Motion seconded by Masching. Motion carried on roll 4-0. Schorg absent. Public Hearing was closed at 5:08 p.m.

Bengford discussed lowering wattage on four lights in 200 block of Elm Street. With savings of nearly \$300 per year, motion made by Ludwig, second by Grigg to lower wattage from 250 watt bulbs to 100 watt bulbs. Motion carried 4-0.

Motion by Ludwig, second by Grigg to approve Steffen Engineering pay requests of \$27,363.80 for engineering work done on paving projects and flood map. Motion carried 4-0.

Councilman Schorg arrived at 5:15 p.m.

Numerous animal control complaints have come into City Hall recently. Council discussed concerns with animals being at large, unlicensed and being a nuisance. As this is recurring concern with certain people, Council instructed Attorney to proceed with Municipal Infraction notifications. Schorg asked that Attorney hold off for one more week. Corey Malm stated he understood a complaint had come in regarding his dog barking. He is attempting to contact neighbors to rectify the problem. Mayor stated live traps will be set for "at large" animals.

Council indicated need to go out for bids for new truck. Will get "spec sheet" together for prospective bidders.

Dale Mitchell, 115 W Birch Street, voiced concerns to Council regarding water runoff from West Creek Development. Mitchell stated developer raised ground level 15 feet and has caused water to run in alley behind his property. Mayor stated minimal dirt was hauled in and he doubted elevation was changed fifteen feet. Engineer will provide city with grading plan showing degree of change. Council discussed abandoning alley and turning it over to property owners. Mitchell stated that was not solution he wanted. Council will revisit concern after Steffen has time to provide elevation maps.

Council directed Public Work's Director to contact some street pavers to get bids on overlaying bad areas of streets not in paving projects for this summer.

Motion made by Masching, second by Grigg to pay CW Suter \$330.11 for work on old furnace in Friendship Center. Motion carried 5-0.

Clerk provided summary of residential sewer rates from area cities. Various options were discussed regarding rate changes. Council directed clerk to provide average water usage for first quarter, 2008. Matter will again be discussed in April.

Clerk informed Council of State notification that Lawton is considered a "city", rather than a "town". Certificate from Secretary of State certifies Lawton was incorporated in 1906. Clerk is waiting on IRS notification also.

Engineer stated he originally specified 40 HP motors in permit applied for from State on new wells. Neil Kuehl of Kuehl & Payer communicated this was not necessary. Steffen then listed 15 HP motors on bid sheet for project. Kuehl emailed Steffen stating 10 HP was all that was needed due to variable frequency drives. With concern now of excessive pull on current motors, Steffen will contact Automatic Systems to see about rectifying situation. If city replaces current motor with 15 HP motor, Steffen stated we would also have to replace pump.

Clerk had no building permit applications or correspondence this month. City has received \$250.00 rebate from MidAmerican Energy for new furnace installed in Friendship Center. Council granted Clerk permission to attend IMFOA in April at cost of \$100 registration.

Attorney informed Council of Small Claim's judgment in City's favor on concrete work on Cedar Street.

Motion to approve Consent Agenda consisting of minutes of February 5 and February 11, 2008, February disbursements of \$22,240.56 financial statements from February 2008, and approval of liquor license for Lawton Pronto was made by Grigg, seconded by Masching. Motion carried 5-0.

Councilman Grigg introduced and moved for the adoption of **RESOLUTION # 2008-05, A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,000,000 (NINE MILLION DOLLARS) AGGREGATE PRINCIPAL AMOUNT OF REVENUE NOTES OF THE CITY OF LAWTON, IOWA, FOR THE PURPOSE OF LENDING THE PROCEEDS THEREOF TO SUNRISE MANOR...** Motion seconded by Ludwig. Motion carried on roll 5-0. Complete text of Resolution is on file at City Hall.

Councilman Ludwig introduced and moved for the adoption of **RESOLUTION # 2008-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAWTON, IOWA, ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2009.** Motion seconded by Masching. Motion carried on roll 5-0. Detailed budget on file at City Hall.

Councilman Schorg introduced and moved for the adoption of **RESOLUTION # 2008-07, A RECORDS CUSTODIAN RESOLUTION DELEGATING RESPONSIBILITY FOR PARTICULAR CITY RECORDS TO PARTICULAR OFFICIALS OR EMPLOYEES.** Motion seconded by Bengford. Motion carried on roll 5-0. Complete text of Resolution is on file at City Hall.

Steffen informed Council of extra concrete poured for two residents during Maple Street Replacement Project. Clerk will notify both residents of costs to be reimbursed.

MidAmerican Energy representative Tony Bengford presented Mayor with \$1,000 Trees Please! Grant.

With no further business to come before the meeting, Schorg moved to adjourn, seconded by Grigg. Meeting was adjourned at 6:55 pm.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	6,076.98	TIF-West Creek	0.00
General	2,123.49	General	6,896.31
Local Option Sales Tax	6,652.50	Local Option Sales Tax	0.00
Road Use Tax	4,544.89	Road Use Tax	5,239.00
Water	10,128.82	Water	4,001.01
Sewer	3,013.36	Sewer	2,821.91
Garbage	4,628.76	Garbage	2,475.10
Fire Revenue	0.00	Fire Disbursements	807.23
TOTAL REVENUE	37,168.80	FEB. DISBURSEMENTS	22,240.56

WARRANTS APPROVED

Anderson Heating & Cooling, FC furnace	1908.42
Heiman Fire Equip, 2 pr. Gloves	108.00
ISU, 2 cert fees for FF1	100.00
Lawton Pronto, fuel	940.21
Marx Truck Trailer Sales, cutting edge	111.79
Moville True Value, tow straps, misc	92.46
O'Reilly Auto Parts	11.74
S.C. Iron Co., hardware	22.28
WITCC, CPR Inst. Rnwl, Miene	45.00
West. IA Tele.	245.55
Town & Country Lawn Serv, parks	842.00
US Bank, 2,000 stamped envelopes	924.60
Woodbury Co. Office of Elections, Nov. 07	730.76
Electric Pump, seal/labor	811.75
Electronic Engineering, recharg. Batteries	47.00
MidAmerican Energy, January	2488.84
Siouxland Dist. Health Dept, lab fees	78.00
Stan Houston Equip., brush set	20.40
Tegra, solar salt	173.85
Sterling Loftus, deposit refund	48.89
Aflac, employee contrib.	91.50
EFTPS, Fed, Med, SS	2321.24
IPERS	853.95
Bomgaars, bulbs	20.94
CHN Garbage, contract	2445.10
Ed M Feld, hoods, gloves, batteries	348.00
Flewelling Sand & Gravel, icing sand	99.00
Iowa DNR, WW permit	85.00
Tegra, solar salt	117.80

SIGNED BY: _____
 Jeff Nitzschke, Mayor

ATTESTED BY: _____
 Patricia L Washburn, City Clerk