

Lawton City Council Minutes

August 7, 2012

The Lawton City Council met in Regular session on Tuesday, August 7, 2012, at the Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Jeff Nitzschke. Council members answering roll: Terry Masching, Perry Ludwig, Rick Schorg and Don Grigg. Reed Burson was absent. Others attending included Public Works Director Mark Vault, City Clerk Patricia Washburn, Attorney Glenn Metcalf, City Engineer Jerry Steffen, SIMPCO representatives Judi Meyer and Sarah LaBrune-Jongeling, and resident Kevin Heiss.

Motion to approve tentative agenda made by Ludwig, seconded by Grigg. Motion carried on roll, 4-0.

Sealed bids were opened for the KatoLight diesel generator City was selling. Four bids were received with motion by Grigg, second by Masching, to accept high bid of \$830.00 from Triple D Construction. Motion carried on roll 4-0.

Item #11 was moved up on agenda. Discussion held regarding request to relocate fire hydrant on property at 204 Heidi's Trail. Mayor and Public Works Director will do on-site visit with property owner to determine best location for hydrant. Resident offered to stand cost of relocation.

SIMPCO representatives Judi Meyer and Sarah LaBrune-Jongeling, explained the Western Iowa Community Improvement Regional Housing Trust Fund. City does not need to be member of SIMPCO in order for residents to qualify for financial assistance through this program. Flyers are available at City Hall for residents interested in receiving help to repair or rehabilitate their homes.

Council discussed possibility of SIMPCO aiding the City with setting up and administering Urban Renewal Plan for Low to Moderate Income residents. Meyer stated she could provide more information to Council to assist with the decisions at hand. Motion by Masching, second by Ludwig, to have SIMPCO provide information for possible administration of LMI funds. Motion carried on roll 4-0.

After considerable discussion of pay request from DA Davis regarding work on Lift Station, motion was made by Masching, second by Ludwig, to deny payment until electromagnetic flow converter is repaired or replaced. We are currently in our second month of no service on this piece of equipment. Motion carried on roll 4-0. Engineer Steffen will speak with DA Davis regarding denial of payment.

Motion by Masching, second by Grigg, to pay for City of Lawton attendees at 2012 Iowa League of Cities Conference to be held Sept. 26-28 in Sioux City. Motion carried on roll 4-0. At present Grigg and Washburn are the only two planning to attend. Deadline for registration discount is August 17.

Council directed attorney to proceed with Municipal Infractions regarding junk vehicles and dog issues.

Upon review of City Code Section 6-2, Council directed Clerk to increase surety bond for plumbing excavation from \$5,000 to \$25,000. Other minor changes were also directed.

Motion by Grigg, second by Schorg to accept 2nd reading of Ordinance establishing flat rate billing for unmetered and unreported water usage. Motion carried on roll 4-0. Motion by Ludwig, second by Schorg to waive the 3rd reading of this proposed Ordinance. Motion carried on roll 4-0. Motion by Masching, second by Schorg for the final adoption of ordinance. Motion carried on roll 4-0. Be in now resolved Lawton City Code Section 6-5-9 (2) shall be modified to include the following:

- a. DEFINITIONS:
 - (1) Unmetered water is any water supply where the water use is either not measured or the measurement is not reasonably available for purposes of billing.
 - (2) Electronic metering is a uniform system of determining water usage within the City.
- b. METERING REQUIREMENT: All residential, commercial, and governmental users of the public water supply shall install a water meter approved by the City which may be read electronically.
- c. Thirty days after being notified a meter is not functioning or requires replacement for any reason, the water service shall be deemed unmetered.
- d. Unmetered water shall be billed at the greatest of the following:
 - (1) Twenty percent (20%) more than the corresponding water billing for the same month in the prior year.
 - (2) Twenty percent (20%) more than the previous bill prior to the failure of the meter as determined by the City.
 - (3) The current monthly charge for ten thousand (10,000) gallons of monthly usage, unless an automatic watering system is in place, then the water usage for May through September shall be deemed to be fifty thousand (50,000) gallons per month.
- e. One hundred twenty (120) days after the notice under 6-5-9 (2)(c) is given to homeowner, the water service shall be terminated if an acceptable meter has not been installed.
- f. Any existing Code provisions inconsistent with this modification are revoked including but not limited to 6-5-8(2) and 6-5-9(2).

This Ordinance shall be effective after publication but not before August 31, 2012. The clerk is directed to publish this ordinance as required by law after passage.

Steffen presented Council with purchase orders on 15hp pump and motor installation from Dakota Drilling and Automatic Systems. Council also feels 40' of depth should be added with new installation.

Public Works Director Vault provided Council with graph showing water usage in July over past five years. Average daily use in 2008 was 100,000 gallons for the city. In 2012 the average daily use was 243,000 gallons. Extremely dry weather and additional residences were cited as the reasons for the increase.

Vault informed Council of sewer main backup in 200 block of East Maple Street. Brief discussion was held regarding preventative measures City should take to avoid recurrence.

Vault also stated Public Works employee Jodi Stender has received certifications in Water Treatment-1 and Water Distribution-1 this past month.

After discussion of illegal dumping, Council directed Vault to dispose of concrete pile. Additional signage will be installed near area regarding video surveillance at site. Fencing area was discussed, but no action was taken at this time.

Councilman Grigg questioned low depth of lagoons. Mayor stated it isn't a problem at this time. Grigg also discussed need to get fence replaced around lagoons before winter. Mayor proposed installing 8' cyclone fence around all utilities and connecting it to existing fence. Mayor also stated need for drive-through gate as well as a walk-through gate. Council agreed this needs to be done as soon as possible. Reflective signs also need to be installed on fencing around lagoons.

Councilman Schorg stated if Public Works Department would take signs down above City Hall and Friendship Center, he would put them on new backing. Clerk informed council of offer by Jack Schroeder that his painting crew would repaint garage door and top trim around building where City Hall and Friendship Center are located if the city would provide the paint. Council agreed to accept their offer and will contact them regarding supplies they will need to complete the job. Council appreciates their offer.

Building permits were approved for the following: 505 E Oak St, deck; 204 Heidi's Trail, dwelling; and 403 Tara Way, enlarging perimeter of fence. Verbal complaint was received from property owner at 301 Cedar regarding neighbor's fence and weeds. Mayor will discuss weed issue with owner. Fence location is private matter between two property owners.

Clerk stated a floodplain management workshop will be held in Correctionville on September 11. She will attend.

Mayor contacted Woodbury County Engineer regarding dip in Cedar Street near Birch Street. Engineer inspected street, but did not get back with Mayor. No further information available at this time.

Motion by Masching, second by Ludwig, to approve Consent Agenda consisting of July 3, 2012, minutes, July 2012 disbursements of \$21,530.21, financial statements from July, 2012, **Resolution #2012-12 Wage Compensation Change and Resolution #2012-13 FY12 Street Financial Report**. Motion carried 4-0. Complete text of resolutions are available at City Hall.

City Attorney Metcalf called attention to the need to discuss a legal matter where litigation is imminent and disclosure would likely prejudice or disadvantage the position of the City or which if disclosed would facilitate disregard of requirements imposed by the law. He advised that this was a matter suitable for consideration in closed session and requested the council to consider moving to closed session. Councilman Schorg moved for the council to meet in closed session. Being advised upon the matter, Councilman Ludwig seconded the motion that the council hold a closed session pursuant to Iowa Code §21.5(1)(c) and 21.5(1)(h). A roll call vote was taken. Voting aye: Masching, Ludwig, Schorg, Grigg. Voting nay: None. Absent: Burson. Mayor Nitzschke declared that the affirmative vote was the unanimous vote of those councilmen now present and was therefore passed at 7:05 p.m..

Motion by Schorg, second by Masching, to come out of closed session at 7:19 p.m. A roll call vote was taken. Voting aye: Masching, Ludwig, Schorg, Grigg. Voting nay: None. Absent: Burson. Motion carried.

With no further business to come before the meeting, meeting adjourned at 7:20 pm.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	1,584.43		
TIF	-	TIF-West Creek	-
Local Option Sales Tax	8,477.48	Local Option Sales Tax	-
General	5,563.04	General	5,274.97
Road Use Tax	6,352.27	Road Use Tax	3,644.67
Water	15,965.77	Water	6,925.05
Sewer	3,344.30	Sewer	1,303.35
Garbage	4,849.61	Garbage	3,958.35
Fire Revenue	16,564.26	Fire Disbursements	423.82
TOTAL REVENUE	62,701.16	JULY DISBURSEMENTS	21,530.21

WARRANTS APPROVED

City of Lawton, utilities	43.00
Kolbeck Inc., tree grinding	700.00
Moville Record, publications	525.48
US Postal Service, stamped envelopes	1093.80
Triple D Contracting, services	190.00
West. IA Telephone, services	293.29
Iowa Rural Water Assn., Fall Conf. Mark	120.00
Lawton Pronto, fuel	401.08
Acco, Chlorine, misc	633.20
CHN Garbage, 99 sm, 206 lg.	3958.35
Flewelling Sand & Gravel, fill sand	32.85
Don Grigg, reim. Tree spikes	8.39
Iowa One Call, locates	18.00
MidAmerican Energy	1978.40
O'Reilly Automotive, FD Cleaning supplies	189.32
Bomgaars, weed trimmer repairs	92.65
Brown Supply Co, saddles	337.11
Dakota Supply Group, meters	1160.31
Menard's, misc. supplies	208.09
Share Corp, herbicide	174.27
Speedy Rooter, jet sewer main	330.00
Employee Compensation	5893.30
EFTPS, Fed, Med, SS	1944.17
IPERS	1172.85
<u>Aflac, employee contrib</u>	<u>32.30</u>
JULY DISBURSEMENTS	21530.21

ATTESTED BY: _____
Patricia L Washburn, City Clerk