

Lawton City Council Minutes

July 1, 2014

The Lawton City Council met in Regular session on Tuesday, July 1, 2014, at the Lawton City Hall. Meeting called to order at 5:00 pm by Mayor Rick Schorg. Council members answering roll: Terry Masching, Matt Otto, Will Wollesen and Perry Ludwig. Others attending included City Clerk Patricia Washburn, Public Works employee Jodi Stender, City Attorney Glenn Metcalf, City Engineer Jerry Steffen, Tyler Manker, Howard and Verna Smith, Mike Frolkey, Fire Chief Kory Eyres, Janet Hasche and Novak representative Bill Gould.

Councilman Ludwig expressed concern with trailers and trucks parked on the streets.

Clerk informed Council of changes on Expenditures report regarding SIMPCO amendment from \$17,541.00 to \$14,781.00 and State of IA sales tax from \$2,500.00 to \$2,445.00. Motion by Masching, second by Ludwig, to approve Tentative Agenda as presented with changes. Motion carried on roll 4-0.

Motion by Masching, second by Ludwig, to approve **Resolution # 2014-11 TO FILL VACANCY BY APPOINTMENT** appointing Michael Frolkey to fill the vacant seat left on Council upon Don Grigg's resignation. Motion carried on roll 4-0. Complete text of resolution is on file at City Hall. Clerk Washburn swore Frolkey in with Oath of Office.

Bill Gould was present to discuss garbage service with Council. Council stated they have been happy with service through Novak Sanitary Service. Gould also stated the city-wide clean-up was successful, and stated he was able to recycle all electronics picked up this year.

Motion to approve a special events application for August 23, 2014, for the LB Football Auction made by Ludwig, second by Otto. Motion carried on roll 5-0.

Urban Renewal Housing Program status update was presented in Council packets. Motion to approve pay requests from contractors and SIMPCO relating to projects was made by Masching, second by Ludwig. Motion carried on roll 5-0.

Woodbury County Sheriff's report was presented to Council and is on file.

Regarding **Ordinance AMENDING Lawton City Code Chapter 6-5-4 and ADDING Chapter 6-5-4A**, motion by Wollesen, second by Ludwig to approve **Resolution #2014-12 dispensing with three readings before passage of ordinance amendment**. Motion carried on roll 5-0. Complete text of resolution is on file at City Hall.

ORDINANCE 2014 - 03

ORDINANCE AMENDING CITY CODE CHAPTER 6-5-4 and ADDING 6-5-4A:

TITLE VI PHYSICAL ENVIRONMENT CHAPTER 3 UTILITIES BILLING CHARGES

Section 1. WHEREAS from time to time users of the municipal utilities fail to pay their City bill for said municipal services. AND

WHEREAS this problem seems to be shared by a small percentage of the total population. AND

WHEREAS the cost to the City of delinquent billing should be paid by the patrons with frequent delinquent payments and not shared by the general population. AND

WHEREAS Municipal Code Section 6-5-4 provides: 6-5-4 BILLING, PENALTY. Utility bills shall be due and payable twenty (20) days following the period for which service is billed whether or not statements of such accounts are received by water users. Payment shall be made to the City Clerk. Bills shall become delinquent after twenty (20) days and bills paid after said day shall have added a penalty of ten (10) percent of the amount of the bill charged and will be applied to the next month's bill for water service. When the due and payable day falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

THEREFORE be it resolved Section 6-5-4 shall be amended to provide a penalty of \$25 as set forth herein.

6-5-4 BILLING, PENALTY. Utility bills shall be due and payable twenty (20) days following the period for which service is billed whether or not statements

of such accounts are received by water users. Payment shall be made to the City Clerk. Bills shall become delinquent after twenty (20) days and bills paid after said day shall have added a penalty of twenty-five dollars (\$25) added after 4:00 p.m. on the 20th day after the date of the Invoice and will be applied to the next month's bill for water service. When the due and payable day falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

BE IT FURTHER resolved the Code shall be further modified by adding the following Section:

6-5-4A BILLING, PENALTY EXCEPTION. The members of a single household unit shall be allowed one delinquency per fiscal year beginning July 1 and ending June 30 without the imposition of the penalty provided for in 6-5-4. The records of the City Clerk shall be presumptively correct and the user shall carry the burden to prove any erroneous finding of waiver to have been incorrect.

Motion by Ludwig, second by Masching to adopt Ordinance 2014-03. Motion carried on roll 5-0. This ordinance shall be effective after publication. Any provision of the City Code or any practice or course of dealing contrary to the provisions hereby adopted are hereby repealed. The clerk is directed to publish this ordinance as required by law after passage.

Regarding **Ordinance AMENDING Lawton City Code Chapter 6-3-10 and ADDING Chapter 6-3-14**, motion by Masching, second by Otto to approve **Resolution #2014-13 dispensing with three readings before passage of ordinance amendment**. Motion carried on roll 5-0. Complete text of resolution is on file at City Hall.

ORDINANCE 2014 - 04

ORDINANCE AMENDING CITY CODE CHAPTER 6-3-10 AND ADDING 6-3-14:

TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 3 UTILITIES WATER SYSTEM

SECTION 1. Section 6-3-10 (1) and (2) which provide for connection fees for the public water system of \$175 and \$325 for ¾" and 1" service respectively shall be modified as follows by modifying (1) and (2) to provide as follows:

(1) All new residences or small businesses using a three-fourths inch (¾") or one inch (1") meter shall be charged Three Hundred Twenty-five and no/100 Dollars (\$325.00) for connection to the City water main.

(2) Where the property requires a meter larger than one inch (1"), then the hookup fee shall be at the discretion of the Council and shall be increased to include the additional cost of the larger meter.

SECTION 2. Section 6-3-14 shall be added to resolve any conflict with other Code provisions or practices regarding the responsibility to maintain and repair waterlines.

6-3-14 CITY MAINTENANCE OF WATER MAINS. The City water main is defined as that portion of the City water system which is located in the street right-of-way and from the portion located in the street to and including the individual shutoff valve, exterior to the private residence. In the event no private shutoff valve exists or one cannot be located, then the property owner shall be responsible for maintenance up to and including the tap-point connection to the water main.

(1) The City shall maintain the City water mains and shall be responsible for their condition, use, and repair. The City's responsibility continues from the main to and including the shutoff valve if it exists, otherwise the City's responsibility ends at the point of connection to the private waterline which is also referred to the tap point.

(2) The private property owner is responsible for all waterlines not included in the City's responsibility set forth above and, in addition, from the water cutoff to the structure or structures serviced by the waterline.

(3) In the event more than one owner receives service due to branching or interconnecting after the tap to the water main, or the closest shutoff valve, both or all owners shall be jointly and severally responsible to make the repairs and pay the cost thereof. Should the cost be advanced by the City pursuant to other Sections of this Code, the City may assess the benefited property owners and said assessment may be collected with and in the same manner as general property taxes.

Motion by Masching, second by Ludwig, to adopt Ordinance 2014-04. Motion carried on roll 5-0. This Ordinance shall be effective after publication. Any provision of the City Code or a

practice or course of dealing contrary to the provisions hereby adopted are hereby repealed. The Clerk is directed to publish this Ordinance as required by law after passage.

Council discussed concerns with various properties within city limits that have fallen into disarray. Attorney will investigate matters and send notices as needed. Engineer will look at drainage issue in 100 block of West Birch Street.

Clerk Washburn reported Town & Country Lawn Service has been contacted to give cost estimate for treating additional city properties, however owner has not gotten back with city yet.

Clerk stated light bulbs or light fixtures at City Hall need to be replaced. Council feels replacing bulbs should take care of problem.

Jodi Stender attended to give Public Works report. Stender stated Mid-Step has requested sign for ADA parking. Also resident on West Birch Street has requested signage reflecting that street is a dead end rather than a through street. In addition, Council discussed signage on bridge at west end of West Birch Street to prohibit truck traffic.

Stender reported West Creek lift station pump has been sent to Omaha for replacement or repairs. Council stated we cannot be without pump, but directed Stender to have Vault find out about warranty.

Council directed Public Works department to contact tree service to remove dead or diseased trees from parking area within city.

Stender stated need for forks for Toolcat. Council questioned if we had already purchased them. Clerk will check records to see if they have already been approved. Council stated to get forks if needed.

Councilman Masching asked Stender what kind of upcoming projects Public Works has planned. Stender stated routine projects will be tended to.

Clerk Washburn introduced new city clerk, Janet Hasche.

Building permits approved were: 410 E Maple, sidewalk; 215 E Oak, chain link fence; 110 E Main St., patio.

Clerk shared emails that had been received regarding the recent heavy rain and issues associated with such.

Siren has been ordered. Danko will let city know when it is ready to be installed.

Clerk stated owner at 216 Ash Street questioned when driveway would be replaced. Council directed Public Works to finish project.

Clerk also stated Don Grigg volunteered to choose trees from vendor with funds from MidAmerican Energy Trees Please! Grant. Council stated they would appreciate the help.

Mayor reiterated that during the Elm Street reconstruction project half of the Larimer Street intersection would remain open at all times. Completion time will be approximately 6-8 weeks from start of project depending on weather.

Attorney stated no ruling has been issued on litigation suit as of yet.

Kory Eyres stated he has been chosen to serve as the Lawton Fire Chief for the remainder of John Eblen's term. He also distributed list of calls year to date. Eyres discussed need to update Disaster Mitigation Plan.

Motion by Masching, second by Wollesen, to approve consent agenda with earlier mentioned corrections including: June 3, 2014, minutes, June 2014 disbursements of \$110,902.69, financial statements from June, 2014, and **Resolution #2014-14 TO APPROVE DESTRUCTION OF RECORDS ACCORDING TO THE RECORDS RETENTION MANUAL FOR CITY OF LAWTON, IOWA.** Motion carried on roll 5-0. Complete resolution of text is on file at City Hall.

Wollesen questioned whether City Clerk could also be City Manager. Attorney stated ordinance would need to be amended to include verbiage, however additional duties could be spelled out in clerk job description.

With no further business to come before the meeting, the meeting adjourned at 6:43 pm.

REVENUES BY FUND

DISBURSEMENTS BY FUND

Interest Earned	149.86	TIF-Housing	54,946.00
TIF	-	TIF-West Creek	-
Local Option Sales Tax	9,044.82	Local Option Sales Tax	-
General	3,890.27	General	31,759.53
Road Use Tax	8,356.75	Road Use Tax	6,270.05
Water	13,813.94	Water	6,092.79
Sewer	4,615.49	Sewer	2,371.92
Garbage	5,604.25	Garbage	5,020.66
Fire Revenue	-	Fire Disbursements	4,441.74
TOTAL REVENUE	45,475.38	JUNE DISBURSEMENTS	110,902.69

WARRANTS APPROVED

Staples, calculator	87.97
Acco, chlorine	349.08
Analytical & Consulting Services, lab fees	234.00
City of Lawton, utilities	48.02
Ed Madison Construction, LMI Projects	6100.00
Fireguard, Inc., gloves	478.92
Novak Sanitary Service, garbage	4965.85
Siouxland Humane Society	35.00
Sooland Bobcat, spindle, pulleys	368.99
Steffen Engineering, Elm St. Paving proj. engineering fee	2630.00
Stephan Welding, water filtration plant repair	175.00
USPS, box rent	86.00
WITA, phone, internet, etc	338.71
Ed Madison Construction, LMI Projects	12565.00
Jennifer Cardonick, deposit refund	10.13
HAKA, fuel	479.08
Central IA Distributing, dispenser towels	42.00
<i>Dirty Payne, LMI project</i>	<i>100.00</i>
Feld Fire, 2 SCBA mask bags	57.74
IMWCA, Estimated Work Comp premium	5723.00
Iowa One Call, locates	18.00
McDonald Construction, LMI project	21400.00
Menards, shop supplies	65.75
MidAmerican Energy, gas & electric	2073.93
Patricia L Washburn, expense statement	53.21
Woodbury County Library, tax asking	19444.00
Grainger, 4 gas cans, funnels	295.08
Tri-State Communications, headsets	578.00
EFTPS, Fed, Med, SS	2760.92
IPERS, employee retirement	1477.31
Aflac, employee contribution	32.30
State of IA, Withholding	1390.00
State of IA, Sales Tax	2445.00
<u>SIMPCO, administration/LMI projects</u>	<u>14781.00</u>
JUNE DISBURSEMENTS	110902.69

ATTESTED BY: _____
 Patricia L Washburn, City Clerk