

**Regular City Council Meeting**  
**City Hall, Cherokee, Iowa**  
**April 22, 2014 – 5:30 P.M.**

A regular meeting was called to order on this date by Mayor Murphy. Present: Council member Johnson, Brown, Miller, Pingel, Peck, Administrator Eikmeier, Clerk-Treasurer Taylor.

At 5:30 p.m., Mayor Murphy opened a public hearing on an ordinance creating a rental housing code. Administrator Eikmeier gave an overview of the proposed ordinance. The purpose of the code is to ensure safe housing for tenants. A study committee consisting of 2 landlords, a realtor, an electrician, a plumber/mechanical, and a fire fighter was formed to review requirements for the code, which adopts portions of the 2012 International Property Maintenance Code. The creation of the code was brought about from input received from tenants, ministers, and inspections done by the City following the 2013 flood. However, the City receives complaints/comments periodically from tenants and realtors. Inspections will not be complaint driven. If a tenant has a complaint, they first have to show that they contacted the landlord before the City will call for an inspection. All rental dwellings will be required to register with the City by October 1, 2014. All rental units will be inspected a minimum of once every 3 years. The City won't inspect section 8 rental units if proper inspection records are provided, and assisted living units and nursing homes are not included. There are approximately 600 rental units in Cherokee. The City is in the process of filling the vacant fire driver position and housing inspection will be a part of the job duties. Scott Olson, Storm Lake Housing Inspector, will provide initial guidance and limited training of this employee. The Administrator then opened the meeting to public comments. Linda Mattson, Alta, asked whether the landlord would be present during the inspection and whether the landlord had to provide kitchen appliances. The answer is that the landlord will be present and if they rent the unit unfurnished, it is the tenant's responsibility to provide their own appliances. She also asked about debris, unlicensed vehicles, etc. accumulated by a tenant, whose responsibility is that? This would be a housekeeping issue and the tenant's responsibility. Landlords are encouraged to take photos before a tenant moves in. Chuck Westcott, 810 W. Willow, asked what if a tenant removes a smoke alarm that was there when they moved in. Again, landlords should take photos so they can refer back to them in a case like this. Chuck also feels the code should apply to every house that is sold. The Administrator didn't necessarily disagree, however, the difference is that a landlord runs a business and is responsible for the upkeep of the property. In an owner/occupied situation the person has a choice what to buy and where to live and is responsible for their own upkeep. Gary Bowers, 617 N. Sherman, commented that extension cords aren't typically furnished by a landlord, but they tend to show up, is this the tenant's responsibility? The answer is yes. He also asked how the City decides which units are inspected first. The Administrator answered that as landlords register they will be put into three groups, such as the first registration will be in group one, the second registration in group two, and so on. Gary asked what would be involved in a furnace inspection. Mr. Olson indicated that they would check the flue to see that it is properly vented, check the electrical hookup, and make sure the gas line is properly supported. Anton Schleef asked that if the unit is not in good condition what prevents the tenant from moving out? He was told that if it is an unsafe/unhealthy situation the tenant has the right to move. Mr. Olson also noted that the Iowa tenant law covers these situations. Anton asked why this is a mandatory program and not voluntary. The Administrator answered that the units that need addressed the most wouldn't likely volunteer. Belle Schleef, 1346 550th St., said that no matter what is said this is new taxation. Where is the "land of the free" with more rules to follow? How she lives should be her business and if a tenant doesn't like it they can move. Why make the landlord responsible for everything. The Administrator commented that there is no doubt this is a collection of revenue, however, they are trying not to add to the property taxes. Belle also asked that if she is providing housing to someone without collecting rent, would her unit be subject to inspection? The Administrator will check into this. Mark Courtright, 508 W. Cedar, asked about the 2 egress routes for bedrooms. Mr. Olson said he has seen

where people will put a mattress in a basement and call it a bedroom. In most cases, an existing window and one door will satisfy the egress requirements. Mark also asked whether some rental units would disappear because of the new requirements and how will local service people keep up if violations are found? Mr. Olson indicated that yes, some people will get out of the rental business, however, he didn't see a lot of that in Storm Lake. Administrator Eikmeier understands that local service people are busy, and if violations are found the City will work out a reasonable schedule to correct the situation. Mark asked how they came up with inspections every 3 years? This is based on what other cities are doing and the turn over of tenants. Eric Comstock, asked how many of the 600 units are commercial. If looking at landlords who put money back into their rentals, most do reinvest in the property. Can a landlord provide written notice from plumbers or electricians that state their properties are in good shape for the next 5-10 years? He was told this wouldn't be allowed, except in the case of Section 8 housing. Eric asked if a property were being sold on contract would it be subject to inspections. If the contract is recorded at the courthouse, it wouldn't be considered a rental unit. He also asked if the proposed code came about because of the flood. The Administrator said it peaked after the flood, but comments/complaints were received before that. Bill Decker, 331 Oak Knoll Dr., asked whether he could repair his own stuff. The Administrator said that except for electrical that requires a State "stamp", he can make his own repairs. He keeps his rentals in good condition, but what about owner/occupied houses. There are many that need a lot of work. The Administrator said that the proposed code is a minimum maintenance code and although owner/occupied units won't be inspected, the code would allow the City to cite an owner for deficiencies. He said we will see changes, but it won't happen overnight. Kathy Glouser, 1000 Park, asked what the tenant's rights were during an inspection. What if the tenant doesn't want someone in the house? The answer is that it is the tenant's right to be present during an inspection. Julie Berglund, 1981 450th St., said the March council minutes stated that commercial rentals wouldn't be inspected. What does that include? The Administrator indicated that this pertains to retail rentals and the proposed inspections refer to residential rental units. Filmore Gustafson, 1702 Linden, asked whether there have been a lot of tenant complaints. The Administrator said there probably haven't been hundreds of complaints, but enough to be concerned. Filmore asked that if he has 5 units, but only one passes the requirements, could he leave the others vacant? He was told he could. Jerry Woodall, 317 Tapley Lane, said people could do their own electrical work in their own home only. Jerry said he was on the study committee and said the fee would be an annual fee, the inspection would be once every 3 years, and landlords would attend a training class. Administrator Eikmeier doesn't feel he would be implementing a class at this time. Valerie Patterson, asked that if a re-inspection is needed, who pays that fee? It will depend on who requests the inspection – the landlord or the tenant – and what, if anything, is found to be in violation. Administrator Eikmeier closed by saying that the City is not trying to make this burdensome for anyone, but instead trying to make sure tenants have safe and healthy living conditions. Two more readings of the ordinance are required to adopt the rental housing code. The Mayor closed the public hearing at 6:35 p.m.

The meeting recessed until 7:00 p.m., at which time the meeting resumed. City Attorney Miller was present.

Mayor Murphy added Item #4.02 to the agenda – authorizing street closings for the annual rodeo parade.

Mayor Murphy read a proclamation designating May as National Historic Preservation Month. John Snapp, a member of the Historic Preservation Commission, was present to accept the proclamation and thanked the Mayor and Council for their support.

A motion by Pingel, seconded by Brown, approved the second presentation of an ordinance creating the Rental Housing Code. Roll call was: AYES: All. NAYS: None.

The council was asked to consider a resolution amending the cell phone policy that would prohibit the use of cell phones while driving a city vehicle or a personal vehicle used for city business, except in emergency situations. Council member Brown doesn't feel this is necessary. If a department head feels employees are abusing cell phone use, they should deal with it. A lot of business is done over the phone, such as with contractors. Everyone is used to having a cell phone and he doesn't see it as an issue. It is an unrealistic expectation and would be hard to enforce. Council member Pingel asked whether use of cell phones while driving is a liability to the city. Administrator Eikmeier said that if a cell phone was determined to be the cause of an accident, yes the city would be liable. He said state and federal regulations would apply to those employees who have a CDL. It was also noted that texting while driving is illegal anyway. A motion was made by Peck to adopt a resolution prohibiting the use of cell phones while driving a city vehicle or a personal vehicle used for city business. The motion died for lack of a second.

A motion by Brown, seconded by Miller, unanimously approved the following under "Consent Business".

City council minutes of April 8th.

Authorized street closings for the 48th Annual Rodeo Parade on May 31st.

The following bids were reviewed for a new end loader for the Street Dept. The bids include a grapple tool, rear view camera, 3rd hydraulic valve, and a 5-year/3000 hr. warranty. Ziegler CAT (Caterpillar) net cost \$115,210; Murphy Tractor & Equipment (John Deere) net cost \$86,750; Titan Machinery (Case) net cost \$83,926.55. Jim Agnitsch, Street Supt., said his department previously demo'd all models and had solicited an opinion from the County. He indicated that the bids included Bridgestone tires, but an upgrade to Michelin tires would add \$1,300 to the Murphy bid and \$2,000 to the Titan bid. After reviewing the bids, Jim recommended the John Deere 544K from Murphy Tractor. A motion by Brown, seconded by Johnson, awarded the bid to Murphy Tractor & Equipment for the John Deere 544K at a cost of \$88,050, which includes the Michelin tires. Motion carried.

An appointment to the Revolving Loan Committee was tabled until a prospective member could be contacted.

Mayor Murphy and Council member Brown met recently with two members of the School Board and then again including Dr. Chalstrom and Administrator Eikmeier to discuss the future of the tennis courts. Everyone agrees that the current location is not ideal and the courts are failing because of compaction issues. An estimate just to patch the courts is over \$100,000. Cost sharing of a new facility has been discussed – school vs. public. However, the City will continue with the 50/50 cost share on current maintenance. Brown feels that if the courts were more centrally located, they might get more public use, which might justify a larger city contribution. A committee will be appointed to determine a new site and look at construction costs. The Mayor said in an effort to continue good communication with the school, Dr. Chalstrom and Administrator Eikmeier will make quarterly reports to the others' board. The council/school board committee will continue to meet and the current courts will continue to be maintained until a permanent solution is reached.

The Administrator reported that the "faces" on the Community Center fountain have been removed in preparation for a mural to be painted by Middle School students. However, it was determined that the surface needs to be smoothed out before painting. An estimate of \$2,750 was received to do this work. The Park & Rec. Advisory Board recommended not pursuing this any further. Instead, they asked the Administrator to talk with the family who originally donated the fountain about demolishing the structure. A motion by Pingel, seconded by Brown, accepted the Park & Rec. Advisory Board's recommendation and asked the Administrator to contact the family. Motion carried.

A motion by Brown, seconded by Peck, authorized advertising for quotes for replacement of the water main located north of Hwy. 3 between the Street Dept. shop and the Iowa DOT offices. Motion carried.

Mary Jo Ruppert, Library Director, presented her quarterly report to the council. She reported that half of the roof replacement has been completed with the other half to be done later this spring; the front planter will be removed; the wall below the flagpole was deteriorating and has been repaired; a new fax machine, for public use, has been purchased; 2 computers were updated; 3 new computers were added in the children's department – these are highly used and there is no Internet access; she received bids for the elevator contract and will recommend Schumacher at \$125/month, which is a savings of \$22/month over the current contract; Adult programs include Sit & Stitch, Read-a-Book, Write On, and a new program Take Tuesday – showing movies - will begin soon; Children's programs include Story Time, After School Bunch, Summer Reading Program; the Children's librarian provides an out-reach program – visiting pre-schools and adult day care; Judy Miller-Grienke is on the broadband committee; and the Library Board will have three seats open this July.

In his report to the Council, the Administrator indicated that the City would be allowed to maintain the current health insurance policy until December 1, rather than renew July 1 as in the past. Also, the State and Wellmark have agreed that groups of 2-50 employees can maintain current policies until October 2016, without having to adhere to ACA requirements. He reported that repairs and patching on Hwy. 59 through town will start approximately May 1st. The same crew will also be working on Hwy. 3. The contractor for Hwy. 59 from the Ida Co. line to Linden St. feels they will be done by fall. The River Road bridge project was delayed again and they expect to start on Wednesday, with the bridge closed to traffic next Monday. The asphalt contractor started the Wescott trail project today. This trail and the CN trail should be completed by the first of next week. The concrete portion of the Wescott trail should be complete in the next 30 days.

The council reviewed the March General Fund revenue/expense report. Council member Brown noticed that several budgets would most likely be exceeded and asked if there would be a budget amendment. The Clerk is working on the amendment to be approved in May. The council reviewed the March Clerk-Treasurer's report and receipts as follows: General-\$123,226.23; Police Forfeiture-\$434.83; County Library-\$3,501.38; Road Use-\$52,394.56; Employee Benefits-\$27,466.01; Emergency-\$1,532.24; LOST-\$37,949.58; Hotel/Motel Tax-\$19,028.21; Tax Increment Financing-\$4,909.23; Revolving Loan-\$22.84; Library Memorial-\$298.13; Park & Rec. Cap. Impr.-\$18.15; Debt Service-\$18,852.44; Doherty Addition-\$2,000; Emergency Set-Aside-\$13.30; Oak Hill Perpetual Care-\$100.01; Water Utility-City-\$57,744.42; Water Utility-Indus.-\$16,411.04; Water System Maint.-\$8,956; Sewer Utility-City-\$87,725.94; Sewer Utility-Indus.-\$21,401.43; Sewer Bd./Int.-\$27,105.93; Sewer System Maint.-\$3,333.34; Sewer Improvement-\$1,666.67; Aviation Authority-\$6,281.38; Solid Waste-\$24,547.37; Landfill-\$31,228.30; Storm Sewer Utility-\$6,744.38; Self Insurance-\$22.25.

The meeting was adjourned at 7:55 p.m.

News media – Paul Struck, *Chronicle Times*.

Mark Murphy – Mayor

ATTEST:  
Debra Taylor  
City Clerk-Treasurer