

Regular City Council Meeting
City Hall, Cherokee, Iowa
May 27, 2014 – 7:00 P.M.

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

At 7:03 p.m., Mayor Murphy opened a public hearing on the 2013-14 budget amendment. Administrator Eikmeier briefly summarized the amendments, which include increased expenditures related to the 2013 flooding, equipment purchases, and the elimination of fund deficits. Most of these expenditures have offsetting revenue including FEMA reimbursement and bank financing. As there were no oral or written comments, the Mayor closed the hearing at 7:05 p.m.

A motion by Brown, seconded by Miller, adopted Resolution No. 14-8, amending the 2013-14 budget. Roll call was: AYES: All. NAYS: None.

Administrator Eikmeier gave anyone in attendance the opportunity to voice additional questions or concerns regarding the proposed property maintenance code. Joe Schleef, whose family owns the property at 500 W. Maple, was present. He said that anytime there is a new set of regulations, they grow and get worse. He used the Commercial Drivers License (CDL) regulations as an example. His son has a CDL and drug testing for one of his jobs doesn't carry over to another job – he has to be tested for each one. Mr. Schleef indicated that property maintenance was probably already addressed in the State Code, to which Administrator Eikmeier answered that the City's ordinance mirrors the State Code, but gives the City more ability to enforce the regulations. Mr. Schleef said this would give the City permission to enter his property without a warrant. The Administrator said the owner and tenant would be present for any inspections. If an owner denied access for an inspection, there is a process the City would have to follow through the court system. Mr. Schleef said his house was built in 1913 and there is no way to rewire the entire house. Administrator Eikmeier said that the age of the house would be considered in all inspections and a house built in 1913 would not be required to bring all wiring up to 2014 standards, unless there is a major issue. The inspections will focus on life and safety issues. Mr. Schleef said their tenant packed up and moved out because they didn't want anyone going through their possessions. Administrator Eikmeier told Mr. Schleef that he has talked with Schleef's mother Belle and explained that if they are providing housing for a family member, it wouldn't be considered a rental and no inspection would be made.

Council member Johnson feels that the break in the fee for multi-unit rentals should be applied to owners of several single-family structures. The Administrator said the fees were established as a means to cover costs for the program without using property tax dollars. Once the program is established, fees can be adjusted as needed – up or down. The Mayor questioned the need for an annual fee when the inspections will only be done once every three years. Administrator Eikmeier looks at it as spreading costs over the three-year period. The other option would be to charge a higher fee once every three years. Council member Pingel said there are always concerns about adding regulations, however, being a volunteer fireman, especially following last year's flood, he has seen things that need improved. Landlords and realtors support the program. The City is making every effort to make the process as easy as possible for landlords and tenants. Mayor Murphy said this program goes along with the Comprehensive Plan as making better rental housing helps economic development. In the end he feels this will be a good program. Johnson said her main concern is the fees as \$4/month can be an issue for some renters.

Administrator Eikmeier indicated that the yard requirements in an M-1, Light Industrial District are more restrictive than those in an M-2, Heavy Industrial District. He feels these districts should more closely resemble each other. On the recommendation of the Planning & Zoning Commission, a motion by Brown, seconded by Johnson, approved the first presentation of an ordinance to amend yard requirements for M-1 Districts to show that minimum front yards and rear yards have no regulation unless contiguous to a residential zoned lot then the minimum would be 30 feet; the minimum side yard has no regulation unless contiguous to a residential zoned lot then the minimum would be 20 feet; and the minimum side yard at street corner would be 30 feet. Roll call was: AYES: All. NAYS: None.

The council reviewed the proposed fee schedule, which was last updated in 2010. The significant changes are to the building permit fees and the addition of the rental inspection fees. In discussion on the inspection fees, would a re-inspection fee apply to something like the replacement of a water heater where the owner could provide a receipt from the purchase and installation? The Administrator feels that common sense would be used in these situations. If it were a simple walk-through, as for the water heater example, no re-inspection fee would be charged. The first year will be a learning experience for both the City and the landlords. Council member Miller questioned the reason for an increase in building permit fees other than it has been several years since the last increase. Administrator Eikmeier reported that in surveying several other cities, we are on the low end, as well as the fact that we are always looking for revenue sources to take the burden off the property taxes. In addressing the rental inspection fees, Council member Johnson would like to see the multi-unit break applied to landlords with several single-family structures. Council member Pingel said that single-family structures are generally of different eras, whereas multi-unit structures are all built at the same time so the inspection process would be different. A motion by Pingel, seconded by Peck, approved Resolution No. 14-9, adopting the fee schedule as presented. Roll call was: AYES: All. NAYS: None.

A motion by Peck, seconded by Pingel, unanimously approved the following under "Consent Business".
City council minutes of May 13th.
Change Order No. 1 to Christensen Bros. for \$3,050.85 for the River Road Bridge Project.

In order to reduce the City's maintenance on the 100-foot right-of-way for the CN Railroad trail, the council was asked to consider a proposal to reserve a 30-foot right-of-way and to vacate the balance of the 100-foot right-of-way and deed it back to the abutting property owners. This would be a substantial savings for the City in surveying and legal costs. There have been a few inquiries from abutting property owners about this. The council feels that some of the property owners won't want the additional property and the City would end up maintaining it anyway. If there are residents currently using the right-of-way for an extension of their yard or for gardens, they will be allowed to continue to do so. No action was taken.

The council received a request from Darren Zwiefel to purchase the CN Railroad right-of-way that adjoins his storage facility along the Hwy. 3 by-pass. The right-of-way borders his property on the east between him and Mongan Painting. If he purchases the property, he would provide a permanent easement covering the east 20 feet of the entire distance from north to south for future trail development. The Administrator said the IDOT wouldn't allow a trail to cross Hwy. 3 and the Trails Committee would like to see the trail run adjacent to Sleezer Road over to Riverview Drive anyway. Council member Brown said the City has set a precedent with the owner north of Hwy. 3 when the right-of-way was sold and a permanent easement granted for a future trail. A motion by Miller, seconded by Brown, endorsed the concept as proposed, subject to securing the necessary easements to continue the trail. Motion carried.

Administrator Eikmeier reported that two property owners abutting the alley between Hwy. 59 and W. Bluff have contacted the City and asked that the alley be designated one-way westbound and southbound. This would minimize traffic attempting to use the alley as a shortcut to avoid the traffic lights. Mr. Kennebeck, 615 S. 2nd, lives on the south side of the alley and indicates that students using the alley after school activities often spin out onto Hwy. 59 sending gravel and stones at his home. The Street Supt. and Police Chief have both endorsed this recommendation. Council asked whether the alley could be abandoned or dead-ended, but there is one owner who needs access to garages on this alley. A motion by Johnson, seconded by Peck, unanimously authorized designating this "L" shaped alley as one-way westbound and southbound.

On the recommendation of the Library Board, the Council re-appointed Ed Burkhalter and appointed Jomi Anderson, Anthony Hunt, and Don Witcombe to the Library Board. The 6-year terms will begin July 1, 2014. Motion carried.

The Mayor asked that the approval of the Firefighter I/Building Inspector job description be tabled until review of the applicants has been completed.

Based on similar benefits packages agreed to with the Policeman's Association and IUOE Union employees, a motion by Brown, seconded by Pingel, unanimously authorized the following for supervisory and non-union employees: effective July 1, 2014 – 2% wage increase; an additional vacation bracket that would award 22.5 days for employees with 25 or more years of service; and a wellness incentive plan where the employee would be reimbursed for 50% of the cost of a single membership. Effective January 1, 2015 – .5% wage increase.

Gary Chase, Fire Chief, gave his quarterly report to the council. Gary reported that since January 1, they have responded to 49 calls, including 4 lift assists, 10 accidents, 8 false alarms and 20 fires. He hopes to fill the vacant position soon as possible as the part-time employees filling the night shift are beginning to feel the affects of holding two jobs.

In his report to the council, the Administrator said repairs to Hwy. 59 in town have begun, but the highway would be open for the rodeo parade on Saturday; the Hwy. 59 project between C44 and Holstein started on Tuesday, with the highway closed to traffic for at least a month; the pool is up and running and plans to open on Friday, May 30 – Steve Thill was commended for locating leaking around seals; the street sweeper is back in operation after having several repairs; traffic counts at the intersection of W. Willow and 7th St. have been completed, however, the Administrator is waiting to hear back from Dr. Chalstrom about possibly moving the bus stop to Willow and 6th St.; the council was asked to drive the CDBG housing rehab target area to see whether there are owner/occupants that could benefit from the program, which has been extended to May 2015; Park priorities include backfilling the new trails, filling the space around the supports at the new open shelter, complete the electrical for the shelter, mowing park and green space, and getting the lake fountain running.

The meeting was adjourned at 8:30 p.m.

News media – Paul Struck, *Chronicle Times*.

Mark Murphy – Mayor

ATTEST:

Debra Taylor
City Clerk-Treasurer