

**Regular City Council Meeting  
City Hall, Cherokee, Iowa  
December 9, 2014 – 6:30 P.M.**

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

Arvin Druvenga, Winther, Stave & Co., was present to review the annual audit for the fiscal year ending June 30, 2014. The report shows a clean opinion, which is the highest level opinion they can issue. When asked about fluctuating cash balances throughout the year, Mr. Druvenga commented that property tax receipts account for a large portion of revenues. These revenues are received monthly, however, the biggest portion of property taxes come twice a year. Multi-year projects will also distort expenses over revenues. Overall, the City's receipts decreased 11% and disbursements decreased 20% from 2013. A motion by Brown, seconded by Peck, unanimously accepted the 2013-14 annual audit.

Kerisa Pingel introduced the Legonados 2014, a Science and Technology team of middle school students. The students will be making a presentation on Ebola in an upcoming regional competition. Team members made a practice presentation to the city council. They have been working on the presentation for about 10 weeks.

Mayor Murphy asked what the City's procedure was in lowering flags to half-mast. He noticed on Sunday, December 7th that some flags throughout town were lowered and others were not, in honor of Pearl Harbor Day. Administrator Eikmeier said the city normally receives notification from the President or Governor's office indicating when flags should be lowered.

On a motion by Miller, seconded by Johnson, the council unanimously approved the following under "Consent Business".

City council minutes of November 25th.

Reviewed Library Board minutes of November 5th.

Bills totaling \$233,877.86.

|                                  |                                     |           |
|----------------------------------|-------------------------------------|-----------|
| AHLERS & COONEY P.C.             | LABOR RELATIONS                     | 910.00    |
| AL'S CORNER OIL CO.              | DIESEL                              | 125.53    |
| ALLIANT ENERGY                   | NATURAL GAS                         | 1,701.66  |
| AMERICAN WATER WORKS ASSOC.      | MEMBERSHIP RENEWAL                  | 85.00     |
| ARAMARK UNIFORM SERVICES         | SHOP RAGS; RUGS; MOPS               | 49.47     |
| ASSURANT EMPLOYEE BENEFITS       | DEC. DISABILITY PREMIUM             | 1,037.31  |
| ATIRA CREDIT MASTERCARD          | WEEKS 6-8 @ ACADEMY-CLAYTON         | 566.47    |
|                                  | PLAQUE; MAILING LABELS              | 128.24    |
|                                  | FILE SMALL CLAIMS-RENKEN/MILLER     | 85.00     |
| BAKER & TAYLOR, INC.             | BOOKS                               | 588.59    |
| BANKERS TRUST CO.                | INT. - G.O. BONDS                   | 59,176.74 |
| BIERSCHBACH EQUIPMENT & SUPPLY   | 16" CUT OFF SAW BLADES              | 161.20    |
| BLAINE'S WATER CONDITIONING      | SOFTENER SALT; WATER FOR LAB        | 125.83    |
| BOLTON & MENK, INC.              | ENG. - CDBG SANITARY SEWER PROJ.    | 1,347.50  |
| BOMGAARS                         | OPERATING SUPPLIES/MATERIALS        | 882.40    |
| BRAD'S TIRE SERVICE              | TIRES FOR WHITE '06 CHEV.           | 480.00    |
| BROOKELYN HOEPPNER               | V.B. GAMES - 11/13/14               | 35.00     |
| BROWN SUPPLY CO.                 | NOZZLE FOR CHLORINATOR              | 205.62    |
| BUILDERS SHARP. & SERVICE        | FILTERS; SHARPENING; REPAIRS        | 383.79    |
| CALHOUN-BURNS & ASSOCIATES, INC. | ENG. - RIVER RD. BRIDGE PROJ.       | 1,961.14  |
| CARUS CORPORATION                | CALCIQUEST                          | 1,407.60  |
| CASSIE SLEEZER                   | VB GAMES-11/13; 11/20; 12/4         | 120.00    |
| CHAMPION ELECTRIC, INC.          | 4 ROLLS ELECTRIC TAPE               | 29.99     |
|                                  | STREET LIGHT; TRAFFIC LIGHT REPAIRS | 240.00    |
|                                  | INSTALL MOTION LIGHT; OUTLET        | 201.78    |
| CHEROKEE AREA ECONOMIC DEV.      | 2 QUARTERLY CONTRIBUTIONS           | 5,467.50  |
| CHEROKEE AUTO PARTS              | VEHICLE MAINTENANCE SUPPLIES        | 285.10    |
| CHEROKEE AVIATION AUTHORITY      | NOV. TAX DRAW                       | 1,025.86  |
| CHEROKEE CO. SOLID WASTE         | DEC. LANDFILL FEE                   | 29,688.51 |
| CHEROKEE CO. WORK SERVICES       | CLEAN SHOP RAGS                     | 8.71      |
| COUNTRY STORES OF CARROLL, LTD   | DIESEL                              | 74.33     |

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| CHEROKEE COUNTY SHERIFF           | SERVE NOTICE - F. SPRINGER         | 34.00     |
| CHEROKEE STATE BANK               | NSF CHECK - K. NIEMEIER            | 200.00    |
| CHRIS HORTON                      | MILEAGE - INSPECTIONS; MEETINGS    | 6.72      |
| CHRONICLE TIMES                   | MINUTES; HEARINGS; BIDS            | 625.80    |
| CLAYTON & SONS, INC.              | SEEDING-GRETA ST. STORM SEWER      | 2,225.00  |
| CONTROL SYSTEM SPECIALISTS        | MECHANICAL SYSTEM REPAIR           | 9.71      |
| COUNTRY TIRE & SERVICE            | TIRE REPAIRS                       | 363.11    |
| DARREN'S CLOTHING CO.             | UNIFORM SHIRTS                     | 300.00    |
| DEARBORN NATIONAL LIFE INS. CO.   | DEC. LIFE PREMIUM                  | 266.62    |
| DEBRA TAYLOR                      | MILEAGE-BUDGET WORKSHOP            | 28.00     |
| DENNY'S SERVICE                   | REPAIR TOILET                      | 258.00    |
| DIVERSIFIED FASTENING SYSTEMS     | NUTS & BOLTS                       | 167.55    |
| EMILY HASELHOFF                   | V.B. GAMES - 11/19/14; 12/3/14     | 50.00     |
| EVERTEK, INC.                     | INTERNET-2 MON. PLUS INSTALLATION  | 113.55    |
| FAMILY CIRCLE                     | SUBSCRIPTION                       | 19.98     |
| FELD FIRE                         | EXTINGUISHERS; BRACKETS; SEALS     | 1,316.00  |
| FOUNDATION ANALYTICAL LAB         | SAMPLE TESTING                     | 410.00    |
| FOX ENGINEERING                   | ENG. - CHLORIDES INVESTIGATION     | 196.50    |
| GARY BENSON                       | BALANCE OF DEPOSIT-628 N. 1ST      | 5.56      |
| GENERAL TRAFFIC CONTROLS, INC.    | SERVICE CALL - WILLOW & 2ND        | 437.50    |
| GREGG COMPUTER SERVICE            | MICROSOFT OFFICE UPDATE            | 675.00    |
| HALLETT MATERIALS                 | 153.03 T. SAND                     | 1,201.31  |
| HIWAY TRUCK EQUIPMENT, INC.       | PLOW LIFT CYLINDER                 | 577.60    |
| HOLZHAUER MOTORS, LTD.            | SERVICE VEHICLES                   | 77.90     |
| HY-VEE FOOD STORE                 | 5 BOXES RUBBER GLOVES              | 90.00     |
| HY-VEE, INC.                      | CLEANING SUPPLIES                  | 4.26      |
| ICS HEALY-RUFF                    | LITHIUM BATTERY FOR RAM MEMORY     | 200.00    |
| INDELCO PLASTICS CORP.            | PARTS FOR CHEMICAL FEED PUMP       | 223.53    |
| INGRAM BOOK CO.                   | BOOKS                              | 380.89    |
| IOWA FINANCE AUTHORITY            | INT. - SRF LOANS                   | 25,588.75 |
| IOWA LAKES ELECTRIC COOP          | ELECTRICITY                        | 46.83     |
| IOWA ONE CALL                     | OCT. LOCATES                       | 78.30     |
| IOWA RURAL WATER ASSOC.           | MEMBERSHIP DUES                    | 350.00    |
| IOWA WORKFORCE DEVELOPMENT        | ELEVATOR INSPECTION                | 175.00    |
| JANITOR'S CLOSET, LTD.            | TISSUE; TOWELS; AIR FRESHNER       | 258.51    |
| JASMINE RAMIREZ                   | V.B. GAMES - 11/19/14              | 25.00     |
| JIM PECK                          | MILEAGE-SIMPCO MTG.-11/20/14       | 67.20     |
| JOHN MEIS                         | SIMPCO TAX MEETING                 | 148.00    |
| K-MART #9222                      | HANGERS; TISSUE; CLEANING SUPPLIES | 45.17     |
| LINDSAY WILLIAMS                  | V.B. GAMES - 11/12/14              | 25.00     |
| LUNDELL CONSTRUCTION CO.          | GRAVE DIGGING                      | 517.50    |
|                                   | SNOW REMOVAL-11/17 & 11/28         | 2,047.50  |
|                                   | CLEAN SEWER-2ND/4TH; LOCUST/ELM    | 240.00    |
| MID AMERICAN ENERGY               | ELECTRICITY                        | 1,039.24  |
| MILLS & MILLER, INC.              | ROAD SALT                          | 9,508.07  |
| MICHELLE LAW                      | BALANCE ON ACCOUNT-722 W. CHERRY   | 53.80     |
| MODERN HEATING & COOLING          | FURNACE FILTERS                    | 30.98     |
| MOTOR PARTS SALES                 | AUTO FUSES; HYD. FTTG.; CABLE ENDS | 55.30     |
| MUNICIPAL SUPPLY, INC.            | WIRED SMART POINT; WATER METERS    | 3,299.76  |
| NELSON'S LOCKSMITH SHOP           | DOOR REPAIR                        | 62.00     |
| NORTH CENTRAL LABORATORIES        | THERMOMETER; LAB SUPPLIES; SAMPLES | 1,417.59  |
| NORTHWEST COMMUNICATIONS          | NOV. INTERNET SERVICE              | 84.90     |
| NORTHWEST IOWA LEAGUE OF CITIES   | ANNUAL DUES                        | 50.00     |
| O'HALLORAN INTERNATIONAL, INC.    | FUEL TRANSF. PUMP; SWITCH          | 1,039.63  |
|                                   | REPAIR FRONT ENGINE OF SWEEPER     | 471.17    |
|                                   | FILTERS FOR TRUCKS                 | 100.42    |
| O'REILLY AUTOMOTIVE STORES, INC.  | 2 - 12V BATTERIES FOR CHIPPER      | 224.52    |
| OFFICE ELEMENTS                   | COPIER LEASES; OFFICE SUPPLIES     | 581.70    |
| OFFICE OF VEHICLE SERVICES        | 9 SALVAGE AUTO CERTIFICATES        | 90.00     |
| OMAHA WORLD HERALD                | SUBSCRIPTION                       | 283.40    |
| ONE SOURCE SUPPLY, LLC            | PVC UNIONS                         | 49.16     |
| PERKINS OFFICE SOLUTIONS          | OFFICE SUPPLIES                    | 573.90    |
| PETTY CASH - LIBRARY              | POSTAGE; DIRECTORY; SUNDAY REG.    | 123.46    |
| PITNEY BOWES GLOBAL FIN. SERVICES | NOV. POSTAGE METER RENT            | 35.00     |
| PITNEY BOWES                      | POSTAGE FOR METER                  | 1,000.00  |
| POWERPLAN                         | CUTTING EDGE FOR LOADER            | 974.22    |
|                                   | SHIFTER/NEUTRAL SWITCH-BACKHOE     | 1,222.17  |
| PROFESSIONAL SURVEYING SERVICES   | ENG.-DOHERTY/ROCK ISL. PROJECT     | 8,750.00  |
| R COMM WIRELESS                   | 10 PAGER BATTERIES                 | 189.00    |

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| RAPID AMERICAN PRESS              | ENVELOPES; WATER RECEIPT             | 428.00    |
| RASMUSSEN'S CORP.                 | BRAKE SWITCH                         | 64.25     |
| REHAB SYSTEMS, INC.               | ROOT CUT/TV - LOCUST; WILLOW; PARK   | 1,125.00  |
| REINERT MACHINE SHOP              | OXYGEN REFILL                        | 22.72     |
|                                   | CHAIN HOOKS-PAYLOADER; CHAIN LOOP    | 94.18     |
|                                   | MAKE BOLTS FOR PUMP; REPAIR CHAIN    | 187.50    |
| SANITARY SERVICES                 | NOV. GARBAGE PICKUP                  | 25,672.05 |
| SARA RAMIREZ                      | VB GAMES-11/12; 11/20; 12/4          | 85.00     |
| SCHOON CONSTRUCTION CO.           | MAKE HYD. HOSE; SNOW REMOVAL-NOV.    | 2,132.00  |
| SIOUX SALES COMPANY               | UNIFORM SHIRTS & TROUSERS            | 1,131.30  |
|                                   | TRADE 4 FLASHLIGHTS                  | 195.78    |
|                                   | RESERVE OFFICER UNIFORMS             | 184.55    |
| STEVE'S WINDOW SERVICE            | WINDOW CLEANING                      | 90.00     |
| SUSAN RODER                       | BALANCE OF DEPOSIT-514 N. 2ND        | 69.83     |
| SYNCHRONY BANK/AMAZON             | BOOKS; DVDS                          | 181.37    |
| TASTE OF HOME SUBSCRIPTION CENTER | SUBSCRIPTION                         | 29.98     |
| THE BOOK VINE                     | BOOKS                                | 27.15     |
| THE COURT FOCUS                   | DEC. SUBSCRIPTION                    | 13.00     |
| THREE RIVERS BENEFIT              | CLAIMS THRU 12/1/14; DEC. ADMIN. FEE | 2,034.74  |
| TODD HUEBNER                      | BALANCE OF DEPOSIT-200 S. 11TH       | 40.04     |
| TODD MILLER                       | MEALS/MOTEL-IAMU CONFERENCE          | 228.58    |
| TOM BRADER                        | OVERPAID BALANCE – 433 E. SPRUCE     | 28.01     |
| TOM MUMMERT & SON CONSTRUCTION    | WORK ON SIGNAL BASE-BOW & 2ND        | 5550.0    |
| TREASURER, STATE OF IOWA          | NOV. SALES TAX                       | 5,410.21  |
| UNITED STATES CELLULAR            | CELL PHONES                          | 577.93    |
| USPS                              | POSTAGE FOR UTILITY BILLS            | 670.72    |
| VERIZON WIRELESS                  | CELL PHONES & CARD                   | 150.17    |
| VERMEER SIOUXLAND                 | SET OF BLADES FOR CHIPPER            | 89.58     |
| WALDNER'S LAWN SERVICE            | DOWNTOWN SNOW REMOVAL-NOV.           | 550.00    |
|                                   | OCT. LAWN CARE; WINTERIZE            | 55.00     |
| WALLY MILLER, JR.                 | NOV. LEGAL SERVICES                  | 3,300.00  |
| WESTERN IOWA TECH. COMM. COLLEGE  | RESERVE OFFICER TRAINING             | 160.00    |
| WIESE OIL & SUPPLY CO., LTD       | GAS; DIESEL; OIL; GEAR OIL           | 6,573.91  |
| WINDSTREAM                        | PHONE/INTERNET                       | 1,187.70  |
| WOODALL ELECTRIC                  | REPAIR BEECH ST. GENERATOR           | 225.00    |
|                                   | REWIRE OUTLETS IN LAB                | 228.00    |
|                                   | LOOKED AT VFD ON EQUALIZER PUMP      | 112.50    |

Mark Buschkamp, CAEDC, was present to review his annual report. He highlighted activities from 2014 and commented on several new programs. Western Iowa Tech has established a wind turbine program. They will be building a wind turbine on the Cherokee campus and will be constructing a solar panel both of which will be used for hands on training. Mark thanked the city council for their continued support.

Linda Burkhart, Sanford Museum director, was present to request a street closing for next year. The Museum Association is planning a community celebration on June 27, 2015 to include antique tractors, music, and food vendors. She is requesting that E. Willow St. from Hwy. 59 to 1st St. be closed from morning until 4:00 p.m. Mrs. Burkhart will notify affected residents in advance of the street closing. A motion by Miller, seconded by Peck, authorized closing E. Willow from Hwy. 59 to 1st St. on June 27, 2015 from morning until approximately 4:00 p.m. Motion carried.

A motion by Peck, seconded by Miller, unanimously accepted the early retirement agreement with Jim Agnitsch effective June 30, 2015.

A motion by Pingel, seconded by Brown, unanimously accepted the early retirement agreement with Steve Casey effective June 30, 2015. If the necessary personnel and grade step requirements are in place, Steve's request for a May 1, 2015 effective date will be honored.

A motion by Miller, seconded by Johnson, unanimously accepted the early retirement agreement with Steve Essick effective June 30, 2015.

A motion by Johnson, seconded by Brown, unanimously accepted the early retirement agreement with Mark Napier effective June 30, 2015.

A motion by Brown, seconded by Miller, unanimously accepted the early retirement agreement with Deb Taylor effective December 24, 2015.

Tim Smith, former Police Officer, was present to request relief from provisions of his employment contract. As a condition of their attendance at the law enforcement academy, officers are asked to sign an agreement stating they will reimburse the City for training costs if they leave City employment before completing a 4-year commitment after graduation from the academy. Mr. Smith resigned 11/24/14, before completing a full year of employment following the academy. His contract states he is responsible for reimbursement of \$15,640.82, which includes tuition, meals, mileage, motel, and wages and benefits for the 8-week period. Although he did sign the contract, he doesn't agree with the amount. He is willing to pay the tuition, meals, mileage and motel costs, but doesn't feel he should have to reimburse his wages. Administrator Eikmeier asked him why he is questioning this now and not when he signed the contract. Also, didn't he have a second opportunity to question the contract when he was looking for other employment; and a third opportunity when he accepted another job? Did he ask his current employer, Cherokee County, to pay a portion of these costs? Mr. Smith agreed that he did have several opportunities to question the contract and said the County will not help with the costs. He feels the costs are excessive and he simply can't afford to repay the contract. Council member Brown asked whether we could legally require him to repay his wages and benefits? Administrator Eikmeier said these contracts have been in effect at least back to 2000. Contract provisions were most recently enforced with the resignation of Alisa Dixson two years ago, and with Mark Johnson in 2001. Mark's new employer, the City of Storm Lake, paid his contract commitment. The council asked the City Attorney to review the contract, as well as the Fair Labor Standards Act regarding the repayment of wages and benefits. This item was tabled until the December 23rd meeting.

1. Administrator's report – the architect for the downtown façade program is to be in town tomorrow to begin review of the buildings. Historic Preservation Commission members have surveyed 75 buildings and 37 of the property owners have expressed interest in the program at this time.
2. Dave Ellis, Recreation Director, presented his quarterly report to the council. He passed out a report showing past events including youth soccer that had 250 participants and this is the first time he had to turn down coaches; new countertops and sinks were installed in the community center kitchens; new cabinets and countertops installed in the basement for the Good Times Place; Good Times Place held a murder mystery night. Current events include adult volleyball; youth basketball clinic; January youth basketball; and the Good Times Place New Year's party. Upcoming events include a 9 square tournament; an extended season for adult basketball, since last season went phenomenally well; youth and adult indoor soccer; 2nd annual father-daughter dance; and a Good Times Place dinner theater.
3. November Clerk-Treasurer's report and receipts as follows: General-\$88,168.44 Police Forfeiture-\$454.53; County Library-\$.69; Road Use-\$48,209.44; Employee Benefits-\$27,665.73; Emergency-\$1,506.57; LOST-\$95,720; Hotel/Motel Tax-\$18.05; Tax Increment Financing-\$412.60; Revolving Loan-\$415.71; Library Memorial-\$2,604.75; Park & Rec. Capital Impr.-\$.65; Debt Service-\$34,164.96; Emergency Set-Aside-\$4.31; Oak Hill Perpetual Care-\$28.66; Water Utility-City-\$56,191.56; Water Utility-Industrial-\$1,853.79; Water System Maint.-\$8,505.73; Sewer Utility-City-\$85,567.95; Sewer Utility-Industrial-\$28,543.02; Sewer Bd./Int.-\$29,610; Sewer System Maint.-\$5,750; Sewer Improvement-\$1,793.67; Aviation Authority-\$1,025.86; Solid Waste-\$23,933.95; Landfill-\$28,997.25; Storm Sewer Utility-\$6,329.34; Self Insurance-\$17.98.
4. November General Fund revenue/expense report.
5. November Police reports.

The meeting was adjourned at 8:05 p.m.

News media – Ken Ross, *Chronicle Times*; Nikki Thunder, KCHE.

Mark Murphy – Mayor

ATTEST:  
Debra Taylor  
City Clerk-Treasurer