

**CITY COUNCIL MINUTES
OCTOBER 11, 2016, 7:00 P.M.
CHEROKEE CITY HALL**

A regular meeting was called to order on this date by Mayor Murphy. Roll call: Present: Councilpersons Agnitsch, Brown, Johnson, Miller, Pingel, City Administrator Kooiker, City Clerk-Treasurer Cargin. City Attorney Herbold participated by phone.

Additions to Agenda

Administrator Kooiker added item No. 4.08 under Consent Business – Approve Class B Wine Permit for The Book Vine.

Ordinance No. 627 Prohibiting Dogs in Oak Hill Cemetery

Pingel made a motion, seconded by Agnitsch, approving the third reading of Ordinance No. 627 which prohibits all but service dogs in Oak Hill Cemetery and ordered its publication. Roll call was: AYES: Pingel, Brown, Agnitsch. NAYES: Miller, Johnson

Ordinance No. 630 Vacating a Portion of Sioux Valley Dr.

Neal Guess of Bolton & Menk read the agreement reached between Cherokee Regional Medical Center and the City regarding provisions related to the vacation of a portion of Sioux Valley Dr. and the construction of a new private drive by CRMC. On a motion by Miller, seconded by Pingel, the council approved the first reading of Ordinance No. 630, an ordinance vacating a portion of Sioux Valley Drive.

Roll call was: AYES: All. NAYES: None.

Resolution No. 2016-45 Conveying Portion of Sioux Valley Drive

Action on this item was continued until after approval of the third reading of Ordinance No. 630.

Resolution 2016-46 Authorizing Leachate Disposal Agreement

Miller made a motion to adopt Resolution No. 2016-46, an agreement between the City of Cherokee and Cherokee County Solid Waste Commission terminating a 1994 agreement and setting fees for disposal of leachate. Brown seconded the motion. Roll call was: AYES: All. NAYES: None.

Ordinance No. 631 Setting Fines for Illegal Parking.

Brown made a motion to approve the first reading and waive the second and third readings and ordered publication of Ordinance No. 631, which sets a fine for violations of parking restrictions at \$25.00, with the exception of the improper use of a persons with disabilities parking permit which fine will remain at \$100.00. Roll call was: AYES: All. NAYES: None.

Public Hearing on CDBG Sanitary Sewer Project.

At 7:19 Mayor Murphy opened the Public Hearing on the CDBG Sanitary Sewer Improvements Project. Mayor Murphy read the following:

This Public Hearing is being held to update residents on the City's Sanitary Sewer Improvements Project. This Project is funded in part by a Community Development Block Grant. The need for and goals of the project have not changed since the CDBG application was submitted to the State of Iowa in the fall of 2014. Grundman-Hicks, LLC is the contractor for the project. Work on the project is approximately 20% complete. The grant is scheduled to close-out July 31, 2018. To date, \$122,490.00 in CDBG funds have been requested and \$45,215.94 in matching funds have been expended.

The Mayor then asked for oral or written comments. Neal Guess of Bolton & Menk commented that the work was closer to 70% complete as of this date. There were no other oral or written comments.

The Mayor closed the Public Hearing at 7:20 p.m.

Consent Business

On a motion by Johnson, seconded by Agnitsch, the following was approved under Consent Agenda.

- City Council Minutes of September 27, 2016
- Planning & Zoning Commission minutes of Sept. 26, 2016
- Parks & Recreation Advisory Board minutes of October 3, 2016
- September Police Report
- Class E Liquor License – Liquor on the Corner
- Class C Liquor License – Danny's Sport Spot
- Class B Wine Permit – Book Vine
- Bills Totaling \$373,914.24

ACE ENGINE & PARTS	MOWER HUSTLER	\$216.16
AHLERS & COONEY P.C.	URBAN RENEWAL LEGAL SERVICE	\$569.34
ALLIANT ENERGY	GAS	\$162.40
ARMOND RIDER	10/16 CELL PHONE REIMBURSEMENT	\$50.00
ATIRA CREDIT MASTERCARD	MISC. ITEMS	\$1,863.89
AUTOMATIC SYSTEMS CO.	REPAIR ALLEN-BRADLEY VFD	\$1,227.25
BLAINE'S WATER CONDITIONING	WATER & COOLER RENT, SALT	\$449.92
BOCKMANN, INC.	CDBG STOREFRONT ASBESTOS	\$20,600.00
BOMGAARS	OPERATING SUPPLIES	\$2,045.15
BROWN SUPPLY CO.	FLANGE, BUSHING, GASKET, HOSE	\$2,343.69
BUGH WELDING	SPACER FOR HY-VEE VALVE	\$156.15
BUILDERS SHARP. & SERVICE	GENERATOR	\$775.00
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$651.28
CERTIFIED TESTING SERVICES	ROOSEVELT STREET TESTING	\$3,884.00
CHAMPION ELECTRIC, INC.	REPLACE LIGHT	\$418.50
CHEROKEE AUTO PARTS	OPERATING SUPPLIES	\$454.16
CHEROKEE AVIATION AUTHORITY	8/16 TAX DRAW	\$2,418.38
CHEROKEE CO. SOLID WASTE	9/16 ASSESSMENT	\$29,688.51
CHEROKEE COUNTY RECORDER	RECORDED EASEMENT	\$22.00
CHEROKEE FIRE DEPARTMENT	VOLUNTEER PAYROLL	\$550.00

CHEROKEE LUMBER, INC.	T-STAR DRILL, TEST PLUG	\$24.53
CHRONICLE TIMES	NOTICES, MINUTES, YARD WASTE	\$611.49
CONTROL SYSTEM SPECIALISTS	MAINTENANCE	\$36.44
COUNSEL	COPIES & COPIER LEASE	\$232.40
CREATIVE SERVICES	SOCCER SOCKS	\$217.50
CRESCENT ELECTRIC	SLIM LINE	\$60.84
DAVE GRAVENISH REPAIR, INC	PICK UP REPAIR	\$367.41
DEMCO, INC.	SUPPLIES	\$143.08
DUANE MUMMERT	10/16 CELL PHONE REIMBURSEMENT	\$35.00
ELECTRIC PUMP	2016 SERVICE AGREEMENT	\$1,214.61
FAREWAY STORES, INC.	SUPPLIES	\$152.48
FOUNDATION ANALYTICAL LAB	WATER TEST	\$502.00
FREDERICK WELDING & SALES	SPINDLE & BEARINGS	\$229.29
FREMONT INDUSTRIES INC.	FLOCCULANT	\$1,359.10
GEORGE SCHMIDT	10/16 CELL PHONE REIMBURSEMENT	\$35.00
GREENVIEW LAWN & LANDSCAPE	FEMA DENNIS BAHR YARD	\$410.00
GRUNDMAN-HICKS L.L.C.	CDBG SANITARY SEWER PROJECT	\$85,211.43
HILLYARD	CLEANING SUPPLIES	\$19.94
HOLZHAUER MOTORS, LTD.	VEHICLE REPAIRS	\$651.27
IOWA D.O.T.	WOOD SIGN POST, CALCIUM CHLORIDE	\$3,643.36
IOWA DEPT. OF NATURAL RESOURCES	2017 WATER FEE	\$66.00
IOWA PRISON INDUSTRIES	SIGNS	\$1,086.35
JANITOR'S CLOSET, LTD.	TOILET PAPER	\$119.48
JERRY'S TREE SERVICE	DROP TREES ON ROOSEVELT	\$850.00
JIM'S SEWER SERVICE	CLEAN DRAIN LINE-CITY SHED	\$140.00
JOHN MEIS	9/16 ENG. SERVICE-ROOSEVELT ST	\$8,210.00
K-MART #9222	OFFICE SUPPLIES	\$47.55
MID AMERICAN ENERGY	ELECTRICITY	\$1,598.98
MILLS & MILLER INC.	DEICING SALT	\$3,343.66
MINNESOTA PORK, INC.	4 SAMPLES	\$1,800.00
MODERN HEATING & COOLING	URINAL & SINK REPAIRS	\$703.36
MONGAN PAINTING CO.	SAND BLASTED SANDER	\$1,000.00
MOTOR PARTS SALES	OPERATING SUPPLIES	\$45.00
MUNICIPAL SUPPLY, INC.	SMART POINTS & METERS	\$3,840.00
NATE JAMES	10/16 CELL PHONE REIMBURSEMENT	\$50.00
NELSON ELECTRIC	REPLACE METER SOCKET-CAMPING	\$284.24
NORTHWEST COMMUNICATIONS	INTERNET	\$44.95
NORTHWEST IOWA APPRAISALS	APPRAISE 432 E. WILLOW ST.	\$375.00
O'REILLY AUTOMOTIVE STORES	PARTS	\$113.08
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$230.86
PETTY CASH - LIBRARY	SUPPLIES	\$194.67
REHAB SYSTEMS, INC.	CLEAN 2 BASINS	\$3,000.00
REINERT MACHINE SHOP	BEARINGS	\$239.40
RENAISSANCE RESTORATION INC	CDBG STOREFRONT PROJECT #3	\$54,638.30

ROYER'S JEWELRY	ENGRAVE PLAQUE-J. GRIENKE	\$12.25
SAM KOOIKER	MEALS, HOTEL, PHONE REIMB.	\$792.77
SANITARY SERVICES	9/16 GARBAGE SERVICE	\$25,391.70
SCE, LLC	REPAIR OPEN WATER SLIDE, CURB STOP	\$2,498.00
SIOUX SALES COMPANY	ROCKY SHOES	\$119.95
STANDARD READY MIX	CONCRETE	\$525.00
STATE LIBRARY OF IOWA	SUMMER READING BOOKLET	\$30.85
STEVE HARRIS CONSTRUCTION	N. ROOSEVELT ST. PROJECT	\$76,962.41
STEVE'S WINDOW SERVICE	WINDOW CLEANING-LIB	\$90.00
SVENDSEN TYLER, INC.	ARCHITECTURAL CONTRACT	\$5,420.00
THE BOOK VINE	BOOKS	\$82.45
THREE RIVERS BENEFIT	9/16 ADMIN FEES	\$556.50
TODD LARSEN	MEAL, MILES,CELL PHONE REIMB.	\$210.14
TODD MILLER	10/16 CELL PHONE REMIBURSEMENT	\$35.00
TREASURER, STATE OF IOWA	3RD QTR. SALES TAX	\$3,016.00
U.S. BANK EQUIPMENT FINANCE	CONTRACT PAYMENT	\$89.94
UNITED STATES CELLULAR	CELL PHONES	\$175.45
USA BLUE BOOK	FLANGE GASKET, SEWAGE PUMP	\$3,603.75
USPS	UTILITY BILL POSTAGE	\$319.08
VALLEY GLASS & FRAMING	INSTALL PANIC BAR & CLOSURE	\$120.00
VALLEY VETERINARY CENTER	BOARD DOG-J. MCCLAIN	\$119.00
VERIZON WIRELESS	CELL PHONE	\$80.04
WALDNER'S LAWN SERVICE	LAWN CARE	\$120.00
WEX BANK	FUEL	\$2,366.39
WIESE OIL & SUPPLY CO., LT	FUEL	\$1,913.73
WINDSTREAM	TELEPHONE	\$205.51
WITTGRAF LAW FIRM	9/16 LEGAL SERVICE	\$3,334.50

Authorization to Fill Vacant Police Officer Position

Due to the recent resignation of Heidi Reising from the Cherokee Police Department creating a vacancy, Brown made a motion, seconded by Miller, authorizing filling the position. Roll call was: AYES: All. NAYES: None

Change Order No. 2 for Downtown Façade Program.

Chad made a motion to approve a change order totaling \$40,033.63 for the Downtown Façade Program and stipulated that if the additional work to be done is part of the original contract with the property owner that the property owner will have to pay for their portion as set out in the original agreement. Agnitsch seconded the motion. Roll call was: AYES: All. NAYES: None.

Dangerous Building Notice

Kooiker noted that there is another party claiming an interest in the property known as the old Wilson School Building. CJ Furman LLC, Christopher Jon Furman along with

State Bank at Spirit Lake has purchased a sales tax certificate on this property. Brown made a motion authorizing a Notice of Dangerous Buildings to Swain Motor Co., Richard and Karen Swain; Willow at Second LLC, Guts and Hope Goodnight; and all others claiming an interest which is to include CJ Furman LLC, Christopher Jon Furman and The State Bank Agnitsch seconded the motion. Roll call was: AYES: All. NAYES: None.

Sidewalk Repair Notice

Karen Swain reported to the council that she has retained an architect/engineer to look at the old Wilson School building yet this week. She would like action on this delayed until his report is available. Ricky Swain commented that no contractor will do the sidewalk work until after the winter season. He questioned whether there are any DOT regulations that need to be followed when repairing the sidewalk since it is adjacent to Hwy. 59. Kooiker stated that action on this item can be tabled or delayed. City Attorney Herbold commented that there is value in putting the individuals concerned on notice. Brown made a motion to table action on this item for ninety days, Agnitsch seconded the motion. Roll call was: AYES: All. NAYES: None.

Adjournment

Brown made a motion to adjourn, seconded by Agnitsch. All voted aye, the meeting was adjourned at 7:46 p.m.

Media Present: Ken Ross, *Chronicle Times*

Mark Murphy, Mayor

ATTEST:

City Clerk-Treasurer