

**City Council Meeting
City Hall, Cherokee, Iowa
April 26, 2016 – 7:00 p.m.**

A regular meeting was called to order on this date by Mayor Murphy. Present: Council members Agnitsch, Brown, Johnson, Miller, Pingel, City Attorney Herbold, City Administrator Kooiker and City Clerk-Treasurer Cargin.

Mayoral Proclamation

Mayor Murphy read a proclamation recognizing Sgt. Brett Gannon of the Cherokee Police Department for his recent achievement in taking first place in the Vehicle Search category at the United States Police Canine Assn. Region 21 Trials held in Manchester IA this month, as well as his dedicated service to the community. Sgt. Gannon thanked everyone and praised his drug dog, Ike, saying “he makes my job easy.”

Sidewalk at 117 S. Second St.

Administrator Kooiker read a letter of intent provided to him by Gay Lynn Strub, owner of the property at 117 S. Second St. The letter states that she has an agreement with Mike Mummert to do the necessary work to rectify the safety issue now present with the sidewalk. Mike thinks he will be able to complete the project in about two days and should be able to start the work very soon. The council is satisfied with the response and no further action was taken at this time.

Resolution to Set Hearing Date for Downtown Façade Project

Administrator Kooiker introduced Resolution No. 16-10, a Resolution providing for a Notice of Hearing on Proposed Plans and Specs and Proposed Form of Contract, and Estimated Cost for the Construction of the Cherokee Downtown Façade Project and the Taking of Bids Therefor. On a motion by Pingel, seconded by Johnson, the council adopted the resolution setting the date for the Public Hearing for May 24, 2016 at City Hall at 7:00 p.m. Roll call was: AYES: All. NAYES: None.

Resolution Accepting Land Donation

Administrator Kooiker introduced Resolution No. 16-11, a Resolution accepting Donation of Land from C-M-L Telephone Co. to the City. C-M-L has offered the corner lot at 243 W. Maple St., adjacent to the Police Department to the City at no cost, and is asking to be granted a permanent easement for their small hut and generator contained on this lot. The Mayor thanked Bruce Johnson, representative of C-M-L Telephone, for their generous gift and Bruce commented that the company is glad to be able to help the City and Police Department. Miller made a motion to adopt the resolution accepting this donation and authorizing the City Attorney to proceed with drafting closing documents. Brown seconded the motion. Roll call was: AYES: All. NAYES: None.

Consent Business

On a motion by Brown, seconded by Agnitsch, the following was approved under the consent agenda. Roll call was: AYES: All. NAYES: None.

City council minutes of April 12, 2016

Tax Abatement Application for 201 S. 11th St.
 Approval of new Class B Beer Permit for the Cherokee County Fair Assn.
 Bills totaling \$91,406.13

ALLIANT ENERGY	UTILITY SERVICES	\$2,867.19
ALLOY SPECIALTY	ASBESTOS INSPEC.	\$425.00
ALPHA WIRELESS	PAGER BATTERIES	\$297.60
ARAMARK	RAGS/RUGS/MOP	\$47.57
AVERA MEDICAL GROUP	PHYSICAL - G. SCHMIDT	\$93.00
BAKER & TAYLOR	BOOKS & AUDIO	\$415.51
BENSON CONSTRUCTION	SNOW REMOVAL	\$580.00
BENSON CONSTRUCTION	PARK ST. WATER LEAK	\$2,650.31
BIERSCHBACH EQUIPMENT	CALBRATION GAS	\$330.00
BROWN SUPPLY	FIRE HYDRANT EXT.,	\$1,884.70
BOMGAARS	BULBS	\$17.98
CARROLL CONSTRUCTION	SUPPLIES	\$147.61
CB HOUSEHOLD HAZ. WASTE	LIGHT BULB DISPOSAL	\$18.00
CHEROKEE POLICE RESERVES	ANNUAL TRAINING	\$1,650.00
CHEROKEE REG. MED DENTER	PRE EMP. SCREENING	\$27.00
CHEROKEE VOLUNTEER FIRE	VOLUNTEER PAYROLL	\$550.00
CHESTERMAN	POP	\$51.50
CHICAGO CENTRAL & PACIFIC	ALLEY RENT	\$75.00
COUNSEL	COPIER LEASE, COPIES	\$71.91
DPC INDUSTRIES	CHLORINE	\$597.50
FELD FIRE	FIRE EXTINGUISHER	\$79.00
FOUNDATION ANALYTICAL	TESTING	\$826.00
GREGG COMPUTER SERVICE	MONITORS	\$874.99
GREGG COMPUTER SERVICE	SERVICE WORK	\$70.00
HALLETT MATERIALS	COLD MIX	\$996.15
HY-VEE FOOD STORE	SUPPLIES	\$219.65
IMT INSURANCE	FIDELITY BOND	\$115.00
IOWA LAKES ELECTRIC	UTILITIES	\$50.40
J & M DISPLAYS, INC.	2016 FIREWORKS	\$4,000.00
JOHN SNAPP	REIM. HISTORIC PRES.	\$44.89
LETSCHES BIKE/RADIO SHACK	BATTERIES	\$9.98
LUNDELL CONSTRUCTION	DIG GRAVE	\$172.50
LUNDELL CONSTRUCTION	REPAIR CLAMPS	\$600.00
MATHESON	WIRE & ENDS	\$71.39
MICHAEL BAKER PHD	TESTING – PD	\$115.00
MID AMERICAN ENERGY	UTILITY SERVICES	\$17,405.14
MILLER, MILLER, MILLER PC	2 FEMA CLOSINGS	\$2,300.00
MOVIE LICENSING USA	MOVIE LICENSE	\$599.00
MUNICIPAL SUPPLY	METERS, SMARTPOINTS	\$3,202.08
NAPA	TRUCK SUPPLIES	\$34.98
OFFICE ELEMENTS	OFFICE SUPPLIES	\$89.25
OFFICE OF VEHICLE SERVIES	SALVAGE CERT.	\$70.00

O'HALLORAN INTRNL	BRAKE LINE, HOSES	\$762.38
ONE OFFICE SOLUTIONS	OFFICE SUPPLIES	\$224.54
PETTY CASH	PARKS & REC	\$65.00
RDG PLANNING & DESIGN	PROF. FEES - FACADE	\$8,497.10
SAM KOOIKER	LUNCH REIMB.	\$9.00
SCHOON CONST.	2 FEMA DEMOS	\$16,275.00
SCHOON CONST.	SNOW REMOVAL	\$4,252.50
SCHOON CONS.	FIRE HYDRANT E. MAIN	\$1,830.00
SIOUX SALES	SUPPLIES	\$1,168.00
SJE RHOMBUS	ALARM DIALER	\$4,399.00
STANDARD READY MIX	CONCRETE - PARK ST.	\$570.00
TOMETICH ENGINEERING	WILSON SCHOOL INSP.	\$2,186.00
UNITY POINT CLINIC	DRUG SCREENING	\$37.00
USPS	UTILITY BILL POSTAGE	\$329.89
VERIZON WIRELESS	CELL PHONE	\$30.00
VESSCO INC.	0 RING	\$18.37
WIESE OIL	FUEL	\$2,752.10
WINDSTREAM	TELEPHONE	\$986.22
WITTGRAF LAW FIRM	LEGAL SERVICE	\$2,156.72
YOUR FLEETCARD PROGRAM	FUEL	\$75.83
ZEE MEDICAL	MEDICAL SUPPLIES	\$38.70

Agreement with CAEDC

On a motion by Brown, seconded by Pingel, the council approved a Memorandum of Understanding between the City and Cherokee Area Economic Development Corporation. This MOU is a more formal document than a simple verbal agreement, and spells out the partnership terms between CAEDC and the City. Roll call was: AYES: All. NAYES: None.

Water Tower Lease Agreement with Evertek

Chris Dodd representing Evertek explained a new lease agreement to the council. The City's agreement with them automatically renewed for another five years on April 1, 2016. They currently have four pieces of equipment on the Hill Street Water Tower. They are requesting approval of a new lease agreement for three years, commencing on May 1, 2016. Evertek will have the right to extend the lease for two additional three-year terms with the same terms and conditions except that the amount of rent can be renegotiated if notice is given within 60 days prior to the renewal date. Evertek is exploring placing two antennas and their accompanying electronic equipment cabinet on the North water tower to improve their service to Cherokee and the surrounding area. They are currently at their limit for what they can do and will have to place an additional antenna on one of the two towers if they are to improve their internet service. The north tower will be a better option for them as they would then be able to off-load some internet traffic to that tower. They have had to stop accepting new customers about a month ago and have people on a waiting list. An engineering study will be required to determine where exactly any equipment would be placed on the north tower. Evertek will be required to obtain council approval before placing any new equipment on either the Hill St. tower or the North

tower. On a motion by Brown, seconded by Johnson, the council approved the new water tower lease agreement effective May 1, 2016. Roll call was: AYES: All. NAYES: None.

Sale of 220 W. Locust St.

Administrator Kooiker opened two sealed bids received for the vacant lot at 220 W. Locust St.. one from Jesse Dalton in the amount of \$250 and one from Ed Spence in the amount of \$175.00. Brown made a motion, seconded by Agnitsch to accept the high bid of \$250.00 from Jesse Dalton and to ask the City Attorney prepare the necessary sale documents. Roll call was: AYES: All. NAYES: None.

Bid Award for Multiple Street Projects

The City received three bids for 17 hot mix asphalt projects located in different sites around the city. Bids were as follows: Blacktop Services, Humboldt IA - \$489,739.70, Knife River Midwest, Sioux City IA - \$590,448.59; Barley Asphalt, Sioux City - \$607,280.00. All bids were higher than the engineer's estimate of \$450,000 for the project. Administrator Kooiker and Public Works Director Armond Rider recommend approving the low bid of \$489,739.70 from Blacktop Services. Funding is projected to be as follows: \$275,667.95 from bond proceeds remaining from the North Roosevelt Project, and the remaining balance of \$214,071.75 from Local Option Sales Tax. Brown made a motion, seconded by Johnson, to award the project to the low bidder, Blacktop Services. Roll call was: AYES: All. NAYES: None.

Building at 123 E. Main St.

Dennis Pointon addressed the council regarding the condition of his building at 123 E. Main St. including falling mortar and a widening crack in the east wall which poses a potentially hazardous situation. Dennis has recently been doing a considerable amount of work to the building, including installing anchors and cables secured by platings on the outside wall in order to stabilize the wall and close the crack. A motion was made by Pingel, seconded by Miller, requiring that Mr. Pointon obtain an engineer's report evaluating the condition of the building after these and other planned repairs are made and present this report to the council within 60 days. Roll call was: AYES: All. NAYES: None.

Review Board of Adjustment Action – 104 E. Cherry

The Board of Adjustment had recently approved a variance for the Brett Graybill property at 104 E. Cherry for the construction of a deck. The variance had been applied for by the Graybills and their tenants, Jaryl Grauer and Barb Mallison. The applicants needed Board of Adjustment approval for a setback variance as well as approval by the City Council for an easement encroachment because it was believed that the construction of the deck would encroach on city owned property to the west of their lot. However, since the Board of Adjustment met and took action it was discovered that the State of Iowa and not the City is the owner of the adjoining piece of land. As the city has no jurisdiction over the property owned by the state, they cannot take any action regarding the encroachment. Brown made a motion to uphold the Board of Adjustment's decision to grant the variance request allowing construction up to the property's west lot line. Miller seconded the motion. Roll call was: AYES: All. NAYES: None.

Administrator's Report

Administrator Kooiker updated the council on several structures that had been recently removed, one was burned that was a nuisance and one was a FEMA demolition. He updated the council on the status of the remaining structures in the FEMA buyout, a pole sign in the right-of-way to be removed at 320 E. Main, recent developments regarding the city's property, liability and worker's comp and disability insurance and issues with various railroad crossings in the city that are not ADA compliant.

Adjournment.

On a motion by Agnitsch, seconded by Miller, the meeting was adjourned at 8:03 p.m.

News media – Ken Ross, *Chronicle Times*

Mark Murphy, Mayor

ATTEST:

City Clerk-Treasurer