

**City Council Meeting  
City Hall, Cherokee, Iowa  
May 24, 2016 – 7:00 p.m.**

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

**Additions to Agenda**

Item #4.09 – Approve Outdoor Liquor License Permit for Jobie’s.

**Discussion with Representative from Tyson Foods**

Bethany Pautsch, community relations representative from Tyson Foods addressed the council. She stated that Tyson Foods does not own the building or land and that the company is in contact with the landlord, Mark Langfan, to try to get some parameters from the landlord regarding the marketing of the property. Tyson’s current lease with the owner expires in July, 2020. Pingel asked if Tyson as leaseholder can determine what business can and cannot occupy the plant? Ms. Pautsch answered yes, if the prospective company is a direct competitor of Tyson. Tyson is willing to work with a local or national broker to locate a tenant. Pingel asked if there is anything in Tyson’s contract with Langfan that prohibits them from subleasing the plant? Ms. Pautsch answered that Tyson cannot lease it out to anyone without approval from the owner. Brown asked about Tyson dismantling and salvaging everything out of the building. Ms. Pautsch stated that Tyson’s contract binds them to appropriate maintenance and they are committed to upholding the contract. They are not “stripping” the plant, their contract requires them to leave the premises in the same condition they found it. Brown expressed frustration with Tyson and wishes that they cared about our town. Residents worked there for years and now have to drive out of town for work. This is detrimental to our business community. We had a prospective tenant interested in the plant and Tyson wouldn’t allow them to come in. This is hurtful to our community. Ms. Pautsch replied that Tyson will not allow a direct competitor to occupy the plant. The Mayor commented that it would be nice to know ahead of time whether or not Tyson will allow a particular entity to occupy the plant, it is detrimental to our marketing efforts to work with a company only to have Tyson shut the door on the potential prospect. Sam thanked Ms. Pautsch for coming and asked that since Tyson has the ability to renew their lease for at least another 15 year period, maybe two, how soon would they let the city know their intent? It would be helpful to know what their plans are in this regard. Ms. Pautsch said she would try to get an answer.

**Correction to Minutes of May 10, 2016.**

The Mayor pointed out a correction to the minutes of the last council meeting. It was reported that Cherokee County’s liability for the pellet machine project is 6.2 million dollars. That is a typo and the correct figure is 2.6 million dollars. The council acknowledged the correction.

**ICAP Insurance Audit**

Matt Susimehl, the city’s agent for ICAP insurance stated that next month ICAP representatives will be doing their own re-valuation of all of the city’s buildings valued at over \$200,000. ICAP will not increase in the city’s premium resulting from higher valuations of buildings until April

of 2018. This is very good news. Most of the equipment re-valuations will not result in any rate increase. Brown made a motion, seconded by Miller, to proceed with the ICAP re-valuation of the buildings and approve the suggested smaller changes to equipment valuations as determined by Bixenman Insurance. Roll call was: AYES: All. NAYES: None. Matt also presented the city with a check in the amount of \$14,234.29 which resulted from changing the fire rating to our correct rating.

**Resolution No. 16-14 Designating Employee Disability and Life Insurance Providers.**

Rick Angell presented quotes from two different group life and short and long-term disability carriers. The lowest quote received was from Unum, which is also quite a bit less expensive than the disability policy we now have with Assurant. Rick Angell explained the policy differences. In addition to saving the city money, changing to Unum as our carrier will also shorten the waiting period for disability insurance from the current 30 days required by Assurant to 7 days for accident and 14 days for sickness. Unum also quoted group life insurance rates which are less than what Principal Insurance proposed and which the council voted to accept last month. On a motion by Pingel, seconded by Agnitsch, the council adopted Resolution No. 16-14, selecting Angell Insurance as Agent of Record for employee life as well as employee disability insurance and selecting Unum as the underwriter for both policies effective July 1 or as soon as practical. Roll call was: AYES: All. NAYES: None.

**Resolution No. 16-15 Approving Pay Increases**

Brown made a motion, seconded by Miller to adopt Resolution No. 16-15. This resolution authorizes budgeted pay increases for FY16-17 of 2% effective July 1, 2016, and .5% effective January 1, 2017, for all non-union and management employees with the exception of City Clerk, Library Director, Grade IV Wastewater Operator and City Administrator. The City Clerk will receive a 5% increase on July 1 and a .5% increase on January 1, 2017, in accordance with her employment offer and the others will receive a .5% increase on January 1, 2017, with the exception of the city administrator, whose contract will be re-negotiated at the end of this year. Roll call was: AYES: All. NAYES: None.

**Public Hearing on Budget Amendment**

The Mayor opened the public hearing on the FY 15/16 budget amendment at 7:15 p.m. As there were no written or oral comments, the hearing was closed at 7:15 p.m.

**Resolution No. 16-16 Approving Budget Amendment**

Pingel made a motion to adopt Resolution No. 16-16 amending the FY 15/16 budget. The motion was seconded by Agnitsch. Roll call was: AYES: All. NAYES: None.

**Resolution No. 16-17 Approving Training Reimbursement**

Brown made a motion, seconded by Miller adopting Resolution No. 16-17 confirming approval of police officer training reimbursements between the City of Cherokee and police officers Zach Smith, Kris Alesch and Jake Dyslin. Roll call was: AYES: All. NAYES: None. Administrator Kooiker commented that all prior police officer training agreements have been paid in full.

**Resolution No. 16-18 Downtown Façade Project**

Miller made a motion to adopt Resolution No. 16-18, providing for a Notice of Hearing on Proposed Plan 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. Pingel seconded the motion. Roll call was: AYES: All. NAYES: None.

**Resolution No. 16-19 Authorizing Exploration of Bonding**

Administrator Kooiker explained that this Resolution is a necessary requirement to explore and initiate the beginning stages of the bonding process. He listed possible projects for bonding as purchase of fire department equipment, city street repairs and the demolition of the old Wilson school building. This resolution in no way obligates the City to bonding nor does it commit the City to working with a specific bonding agent. Brown made a motion, seconded by Pingel, to adopt Resolution No. 16-19, A Resolution of Intent to Authorize Exploration of Bonding for City Improvements. Roll call was: AYES: All. NAYES: None.

**Consent Business**

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

City council minutes of May 10, 2016

City Street Closure for Chamber Event on July 15, 2016

Renewal of Class C Beer Permits – Shopko Hometown Store, Al’s Corner Oil (Sparky’s)

Renewal of Class C Liquor License - Gasthaus

Renewal of Class B Beer Permit – Pizza Hut

Approval of Class C Liquor License Outdoor Service – Jobie’s Pastime

Approval of tax abatement application – Dennis Rupp, 803 S. Second St.

Bills totaling \$29,845.44

ALLIANT ENERGY	UTILITY SERVICES	\$92.04
BAKER & TAYLOR	BOOKS & AUDIO	\$986.22
BOOK PAGE	SUBSCRIPTION	\$300.00
BUGH WELDING	DROP TANK PARTS	\$35.00
BUILDERS SHARPENING & SERVICE	PARTS	\$580.66
CARROLL DISTRIBUTING	POOL SUPPLIES	\$78.35
CHEROKEE AUTO PARTS	PARTS	\$106.98
CHEROKEE REGIONAL MEDICAL CENTER	DRUG & HEARING TEST	\$647.00
CHESTERMAN	POP	\$82.40
CHRONICLE TIMES	NEW OFFICER AD	\$206.00
COGRAN SYSTEMS	SCHEDULING SOFTWARE	\$300.00
COUNSEL	COPIER LEASE/COPIES	\$74.00
COUNTRY TIRE & SERVICE	OIL CHANGE, TIRE REPAIR	\$72.23
CRESCENT ELECTRIC	WIRE STRIPPERS	\$20.99
DENNY'S SERVICE	TOILET REPAIR	\$137.00
DUANE MUMMERT	MILEAGE	\$129.60
FELD FIRE	EXTINGUISHERS	\$1,038.03
FREDERICK WELDING & SALES	SPINDLE HOUSING	\$257.59
GEORGE SCHMIDT	MILEAGE	\$37.80

HY-VEE FOOD STORE	SUPPLIES	\$10.58
IOWA LAKES ELECTRIC	UTILITIES	\$58.80
JANITOR'S CLOSET LTD.	SUPPLIES	\$314.85
JOHN MEIS	ENGINEERING SERVICES	\$360.00
KAYLEE MENKE	SPRING ZUMBA LESSONS	\$53.00
MATHESON TRI-GAS INC.	CARBIDE WHEEL	\$105.66
MID AMERICAN ENERGY	UTILITY SERVICES	\$17,497.85
MODERN HEATING & COOLING	TOILET REPAIR	\$26.86
OFFICE OF VEHICLE SERVICIES	SALVAGE CERTIFICATES	\$20.00
ONE OFFICE SOLUTIONS	OFFICE SUPPLIES	\$41.93
PEOPLE SERVICE, INC.	MONTHLY SERVICE CONTRACT (PARTIAL)	\$3,055.00
PITNEY BOWES	POSTAGE MACHINE RENTAL	\$35.00
R COMM WIRELESS	BATTERIES	\$99.00
SHARE CORPORATION	PEA POD & CLIPS	\$174.00
SIOUX SALES	MICROPHONES	\$199.90
SYNCHRONY BANK/AMAZON	BOOKS & DVD'S	\$250.69
UNITYPOINT CLINIC	DRUG TEST	\$74.00
UPSTART	SUMMER READING SUPPLIES	\$101.79
WEISE OIL & SUPPLY	FUEL	\$218.49
WINDSTREAM	TELEPHONE	\$36.31
WITTGRAF LAW FIRM	LEGAL SERVICE	\$1,283.10
YOUR FLEETCARD PROGRAM	FUEL	\$46.74

### **Library Board Appointments**

Brown made a motion, seconded by Miller, appointing Ruth Hayes and Betty Berigan to the Library Board to new 6-year terms, effective July 1, 2016. Roll call was: AYES: All. NAYES: None.

### **Beech Street Lift Station Repairs**

One of the main pumps at the Beech Street Lift Station failed, and on May 12 it was determined that it needed to be repaired. The estimated cost of \$12,600 for the repair was over the threshold amount of \$10,000 allowed to be spent without council approval. Since this was an emergency situation the Mayor signed an emergency declaration to authorize proceeding with the repairs to the pump. The pump has since been repaired and re-installed. Agnitsch made a motion to approve the expenditure for the pump repair, seconded by Pingel. Roll call was: AYES: All. NAYES: None.

### **Utility Bill Write-Off**

Brown made a motion, seconded by Agnitsch, to approve a utility bill write-off in the amount of \$221.00 for the property at 233 E. Willow Street. This property has been sold to the city through the FEMA buyout program and the house demolished with the former owner receiving no cash proceeds from the sale due to there being a mortgage on the property. Roll call was: AYES: All. NAYES: None.

### **Change Orders for N. Roosevelt Street Project**

Kooiker explained two change orders for the upcoming N. Roosevelt Street project. Change Order #1 is to amend the start date to May 31 (after school lets out) and Change Order #2 includes one

additional intake and an addition 74 linear ft. of 24" RCP pipe as well as removal costs of the old pipe. This change order results in an increase of \$20,834.34 to the project cost. Brown made a motion, seconded by Agnitsch, approving Change Order #1 and Change Order #2 to the N. Roosevelt St. project. Roll call was: AYES: All. NAYES: None.

**Vehicle Purchase for Building Inspection/Fire Dept.**

Two state contract bids were opened by Administrator Kooiker. Holzhauer Motors bid was for a 2016 Ram 4WD Crew Cab in the amount of \$28,480, and the bid from Rasmussen's was for a 2017 Ford F250 Crew 4x4 in the amount of \$32,728. This vehicle will be used primarily by the building inspection department. Brown made a motion to accept the low bid from Holzhauer Motors, with half the purchase price to be funded out of the FY15/16 building inspection budget, and the other half funded out of FY16/17 building inspection budget. Miller seconded the motion. Roll call was: AYES: All. NAYES: None.

**Administrator's Report.**

The Administrator has had several complaints of residents blowing grass out into city streets which is against city ordinance. He reminds everyone to mulch and blow it back onto their own yard while mowing, or to bag it. Wireless internet has been installed at the yacht club. Evertek has submitted a plan to the public works director for installing an antenna on the north water tower and it is under review. This summer the council will once again be hearing reports from department heads at the council meetings.

**Executive Session**

Pingel made a motion, seconded by Miller, to go into executive session to discuss possible litigation as per Iowa Code Section 21.5(1)c at 8:00 p.m. Roll call was: AYES: All. NAYES: None.

On a motion by Brown, seconded by Agnitsch, the council returned to regular session at 8:20 p.m. Roll call was: AYES: All. NAYES: None.

Brown made a motion to proceed with obtaining an entry order declaration to gain entry to the property located at 100 E. Willow St. (old Wilson School Building) with the purpose of conducting an asbestos and hazardous materials inspection, and to hire a certified inspector for this purpose. Roll call was: AYES: All. NAYES: None.

The meeting was adjourned at 8:22 p.m.

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

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Mark Murphy – Mayor

ATTEST:

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City Clerk-Treasurer



