

**CITY COUNCIL MINUTES  
JUNE 28, 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, Johnson, Miller, Pingel, City Attorney Herbold, City Administrator Kooiker, City Clerk-Treasurer Cargin. Absent was Councilperson Brown.

**Changes/Additions to Agenda.**

Kooiker added Item #4.04 under Consent Business – Renewal of Special Class C Liquor License/Sunday Sales for the Family Table Restaurant.

**Update on Structure at 123 E. Main.**

Because the owner was not present discussion on this item was postponed until the next council meeting.

**Public Hearing and Appeal – Inspection of old Wilson School Building.**

At 7:02 p.m. Mayor Murphy opened a Public Hearing on the proposed entry and inspection of the old Wilson School Building located at 100 E. Willow Street. Karen Swain, one of the owners of the building, addressed the council and stated that she and her husband do not want to allow entrance into their portion of the building. They do not feel their side is dangerous, it is not occupied, and they don't care to have anyone go in and inspect. They have already let us in once and we have taken pictures. As there were no other comments the Mayor closed the public hearing at 7:04 p.m.

**Ordinance Amending Provisions Regarding Oak Hill Cemetery.**

Richard Boothby, co-owner of Boothby Funeral Home, advised the council that he understands the city's plight regarding the cost of flowers put on graves for Memorial Day but this does make the cemetery beautiful and he hates to see the program go by the wayside. Kooiker, Pingel and Mayor Murphy will meet with Richard to try to come up with some sort of modification.

Johnson made a motion approving the second reading of Ordinance 622, an Ordinance Amending Provisions Pertaining to Oak Hill Cemetery. Pingel seconded the motion. Roll call was: AYES: All. NAYES: None.

**Consent Business.**

On a motion by Pingel and seconded by Miller the following was approved under Consent Agenda. City Council Minutes of June 14, 2016.

Tax Abatement Application for 233 E. Main St. – Ken Langel  
Renewal of Special Class C Liquor License (B/W) – Family Table Restaurant  
Bills totaling \$167,390.98

ALLIANT ENERGY	UTILITY SERVICES	\$1,064.27
ARAMARK UNIFORM SERVICES	SHOP RAGS	\$95.89
BLAINE'S WATER CONDITIONING	COOLER RENT, WATER	\$34.00
BOB HATCH MASONRY	BLUFF ST. BRIDGE SIDEWALK	\$7,859.35
BOLTON & MENK, INC.	CRMC SITE PLAN REVIEW	\$450.00
BOMGAARS	SUPPLIES	\$2,413.92
BROWN SUPPLY	TEST AIR PLUG, GASKETS, PIPE	\$3,337.37
BUILDERS SHARPENING & SERVICE	LEAF BLOWER PARTS	\$1.73

CAHOY PUMP SERVICES	PULLING OF WELL 11	\$4,229.00
CERTIFIED TESTING SERVICES	PRECON MEETING	\$128.00
CHAMPION ELECTRIC	STREET LIGHT REPAIRS	\$96.96
CHEROKEE AUTO PARTS	FITTING	\$9.29
CHEROKEE CO. ENVIRONMENTAL HEALTH	POOL INSPECTION	\$493.00
CHEROKEE LUMBER	PLYWOOD, TAPE	\$228.10
CHEROKEE REGIONAL MEDICAL CENTER	PRE EMPLOYMENT-R. STINES	\$182.00
CHICAGO, CENTRAL & PACIFIC RAILROAD	W. CEDAR CROSSING SIGNAL	\$17,465.00
CINTAS	MEDICAL SUPPLIES	\$51.65
COMES INVESTMENT (PIZZA HUT)	PIZZA	\$30.00
CONTROL SYSTEM SPECIALIST	SERVICE CONTRACT	\$1,418.40
COUNSEL	COPIES	\$12.31
COUNTRY TIRE & SERVICE	OIL CHANGE, TIRES	\$572.90
COVENANT MEDICAL CENTER	PRE EMP.-Z. FREKING-SMITH	\$45.00
DAVE ZELLE	TENNIS CAMP	\$380.00
DIAMOND VOGEL PAINTS	WHITE PAINT	\$227.70
DOUBLEDAY LARGE PAINT	BOOKS	\$112.95
DPC INDUSTRIES	CHLORINE	\$432.50
FAREWAY STORES, INC.	SUPPLIES	\$6.82
FIRST COOPERATIVE ASSOCIATION	WEED KILLER	\$70.85
FOUNDATION ANALYTICAL LAB	TEST	\$430.00
GREGG COMPUTER SERVICE	ROUTER, HARD DRIVE	\$884.99
GROUND EFFECT LP	MULCH FOR NODES	\$1,199.70
GRUNDMAN HICKS CONSTRUCTION	CDBG SANITARY SEWER PROJ.	\$60,895.90
HY-FEE, INC.	POOL CONCESSIONS	\$116.23
IOWA ASSOCIATION OF MUNICIPAL UTILITIES	CCR WORK SHOP	\$130.00
IOWA COMMUNITY ASSURANCE POOL	DEDUCTIBLE-D. BILLIAM CASE,	
	PROPERTY INS.	\$5,718.20
IOWA LAKES ELECTRIC	UTILITIES	\$9.52
IOWA LEAGUE OF CITIES	FY 16/17 MEMBERSHIP	\$2,425.00
IOWA ONE CALL	LOCATES	\$99.80
JESSICA BIEBER	LIFEGAURD RECERTIFICATION	\$315.00
JIM'S SEWER SERVICE	CLEAN SWAINS STORM SEWER	\$350.00
K-MART	OFFICE SUPPLIES	\$67.12
MID AMERICAN ENERGY	UTILITY SERVICES	\$19,770.98
MID IOWA SALES	METAL POLISH	\$15.71
MOTOR PARTS SALES	TIRE GAGE	\$5.62
MUNICIPAL SUPPLY	SMARTPOINTS, PARTS	\$2,495.30
MUNSON CLEANING	CLEAN PD CARPET	\$513.00
NATIONWIDE PAYMENT SOLUTIONS	MAGTEK CARD READER	\$103.12
NELSON'S LOCKSMITH	KEY LOCK TO ROOLER DOOR	\$55.75
NORTH CENTRAL LABORATORIES	AMMONIA TESTING EQUIP.	\$3,987.33
NORTHWEST COMMUNICATIONS	INTERNET	\$44.95
NORTHWEST IOWA LEAGUE OF CITIES	LEAGUE MEETING MEAL	\$15.00
O'REILLY AUTOMOTIVE, INC.	WINDSHEILD WASHER FLUID	\$25.09
ONE OFFICE SOLUTIONS	OFFICE SUPPLIES	\$75.07
R.J. THOMAS MFG.	SIGNS FOR SWEEPER	\$189.50
REHAB SYSTEMS INC.	CUT ROOT-HYLAND & PARK	\$750.00

SCHOON CONSTRUCTION	PUMP RENTAL	\$1,015.00
STAN HOUSON EQUIPMENT	CONCRETE SAW BELT	\$86.85
STANDARD READY MIX	CONCRETE	\$346.51
SYNCHRONY BANK/AMAZON	BOOKS & DVD'S	\$274.14
TELEDYNE ISCO	SAMPLE HOSE	\$101.00
THE ACCURATE COURT REPORTER	SUBSCRIPTION	\$39.00
THE COLLINS GROUP	FLAGS FOR DOWNTOWN	\$90.45
TOM MUMMERT & SON CONST.	SNOW REMOVAL,	
	STORM SEWER-SWAINS	\$9,152.18
TOOL PLUS INDUSTRIES	MARKING PAINT & FLAGS	\$2,999.97
UTILITY EQUIPMENT COMPANY	ALARM DIALERS	\$1,776.25
VALLEY VETERINARY CENTER	K-9 MEDS	\$51.60
WIEMOLD SMALL ENGINE REPAIR	PAINT SPRAYER ENGINE REPAIR	\$61.48
WIESE OIL & SUPPLY CO.	DIESEL	\$1,557.45
WINDSTREAM	TELEPHONE	\$90.34
WINTHER, STAVE & CO.	BANK RECON CONSULTATION	\$975.00
WOODALL ELECTRIC	REPAIRS	\$1,850.00
YOUR FLEETCARD PROGRAM	FUEL	\$145.79
ATIRA CREDIT MASTERCARD	OPERATING EXPENSES	\$3,542.93
AUTUMN SHAFER	UTILTITY BILL REFUND	\$188.41
BRYNA BLANKMAN	SWIM LESSON REFUND	\$30.00
CHEROKEE AVIATION AUTHORITY	TAX DRAW	\$167.23
DEMCO, INC.	SUPPLIES	\$92.36
DIANE CARGIN	MILEAGE & MEALS	\$177.09
JIM AGNITSCH	MILEAGE	\$69.12
PATRICK LALLA-KRAEMER	UTILITY BILL REFUND	\$11.67
TIM SCHLENGER	SHELTER REFUND	\$30.00
USPS	UTILITY BILL POSTAGE	\$332.32

### **Insurance Renewals.**

Terri Brown with Bixenman Insurance gave an update on insurance policy renewals for worker's compensation, pollution/storage tanks, public official and employee bonds and general liability ISO rating. The worker's comp premium with IMWCA has risen due to an increase in the mod factor from .85 to .95 (anything under a 1 is still considered good). Only one fuel tank located at the street department had pollution liability coverage (currently with Nautilus), three additional tanks were not covered. All four tanks are now insured. City ordinance requires a \$250,000 bond for the City Administrator. Current coverage is with IMT and is for \$5000 for all city employees with an additional \$195,000 in additional bonding for each of the three Clerk's office employees. The council directed the purchase of another \$245,000 bond for the City Administrator to satisfy the ordinance requirements. Terri has attempted to get more information in regard to the impact of the City's ISO rating on the city's general liability premium as well as the impact on taxpayer's homeowner's insurance. She spoke with a representative in the Insurance Services Office in Chicago IL and they would only give her general information. The city's current ISO rating is a 4 and has been since the late 1990s.

### **Request for Utility Bill Adjustment – Carey Hetrick.**

Carey is requesting an adjustment to the sewer portion of his recent utility bill for his property at 115 S. Second St. Carey stated that his hot water heater exploded, resulting in a bill in the amount of \$693.16. He feels the sewer charge is not justified as at least half of the water went down holes in his

basement floor and never reached the floor drain and therefore did not go into the city's sewer system. The sewer charge on his bill is \$435.92, and he is requesting that be adjusted to \$200. On a motion by Miller, seconded by Pingel, the council authorized reducing the sewer charge to \$200. Roll call was: AYES: Pingel, Johnson, Miller. NAYES: Agnitsch.

#### **SCADA System Purchase.**

George Schmidt advised the council that the current system is going downhill and reprogramming the system has not been successful. He feels the current SCADA system is on borrowed time. This is a budgeted item. He has received two quotes for a new system, one from Primex in the amount of \$12,915.00 and one from Automatic Systems Co in the amount of \$17,960.00. George recommends awarding the quote to Primex, the low bid as well as the provider of the SCADA system at the water plant. Pingel made a motion, seconded by Agnitsch, to accept the low bid of Primex in the amount of \$12,915.00. Roll call was: AYES: Johnson, Miller, Pingel, Agnitsch. NAYES: None.

#### **Variance Request – 725 N. Roosevelt.**

Pingel made a motion to uphold the recent action of the Board of Adjustment approving a variance request for Jon and Jocelyn Riggert, allowing for the encroachment of less than a foot into the 5' side yard setback for construction of a new garage. Kooiker noted that lot coverage and siding requirements for the garage will remain intact. Miller seconded the motion. Roll call was: AYES: Miller, Agnitsch, Pingel, Johnson. NAYES: None.

#### **Library Report.**

Retiring Library Director Mary Jo Ruppert thanked the council for their cooperation and support over the last twenty-five years. In giving her last report she noted that the library has recently upgraded their computers and monitors. She feels she is leaving the library in good shape structurally as well as financially. In the near future several issues will need to be addressed including tuckpointing, the HVAC system and farther down the line, carpeting. The "new" library is now 18 years old! Mary Jo then introduced new library director Zach Freking-Smith to the council. The council thanked Mary Jo for her years of dedicated service to the city and wished her well in her retirement.

#### **Update on North Roosevelt Project.**

Public Works Director Armond Rider reported that good progress is being made on the North Roosevelt construction project. The water main is in and work is on schedule. Placement of stop signs was briefly discussed; Rider and Kooiker will work on developing ordinance changes.

#### **Executive Session.**

Johnson made a motion to go into executive session for the purpose of discussing litigation strategy pursuant to Iowa Code Section 21.5(1)(c) at 8:05 p.m. Agnitsch seconded the motion. Roll call was: AYES: Miller, Johnson, Agnitsch, Pingel. NAYES: None

At 8:26 p.m. Johnson made a motion to reconvene to open session, seconded by Miller. Roll call was: AYES: Agnitsch, Pingel, Miller, Johnson.

#### **Action as a Result of Executive Session.**

Miller made a motion noting that the requirements of the Public Hearing have been met and the city council has listened to the appeal and determined entry and inspection of the property at 100 E. Main Street (old Wilson school building) is necessary to determine a certain nuisance to the public regarding the presence of asbestos. Roll call was: AYES: Johnson, Miller, Agnitsch, Pingel. NAYES: None.

**Adjournment.**

Agnitsch made a motion to adjourn, seconded by Pingel. All voted aye. The meeting was adjourned at 8:31 p.m.

Media Present: *Ken Ross, Chronicle Times*

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Mark Murphy, Mayor

ATTEST:

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City Clerk Treasurer