

**CITY COUNCIL MINUTES  
JULY 12, 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, City Attorney Herbold, City Administrator Kooiker, City Clerk-Treasurer Cargin. Absent was Councilperson Pingel.

**Changes/Additions to Agenda**

Kooiker added Item #6.02 to the agenda under Administrator Report – update on Tyson facility.

**Update on Structure as 123 E. Main St.**

The owner of the building at 123 E. Main St., Dennis Pointon, was not present however he had communicated with Kooiker that the property is now listed with a local realtor and that he is aware that he needs to provide a structural engineer's report as part of the sale documents. Brown asked Kooiker to find out if Pointon has property insurance on the building. The council tabled the matter until the next council meeting.

**Ordinance No. 622 Amending Provisions regarding Oak Hill Cemetery**

Because the City has recently received additional suggested language to the ordinance from Christina Hazelbaker from the Iowa Insurance Division, the third reading of Ordinance 622 Amending Provisions regarding Oak Hill Cemetery was postponed to July 26, 2016.

**Resolution #16-21 Transferring Donations from Cemetery Perpetual Care Fund**

This matter was tabled until the July 26, 2016, meeting.

**Resolution #16-24 Awarding Bid for Downtown Façade Restoration Project/Change Order #1**

Kooiker reported that at the time the Downtown Façade Restoration Project went out for bid there were 16 buildings enrolled in the program. Two property owners have withdrawn leaving the final number at 14. Completion date for the project is July 1, 2017, with the work to begin in about three weeks. Change Order #1 includes deductions for changes in the scope of work for six properties as well as reductions for the two properties withdrawn.

Brown made a motion to approve Resolution No. 16-24 awarding the bid for the Downtown Façade Restoration Project to Renaissance Restoration Inc., Galena IL in the amount of \$561,344.47 and to approve Change Order #1. Miller seconded the motion. Roll call was: AYES: All, NAYES: None.

**Resolution #16-25 Specifying Equipment Location on North Tower**

Kooiker has received a message from Chris Dodd from Evetek that the information regarding the location of the equipment they would like to install on the North water tower will not be available for several weeks. This matter was tabled.

**Resolution #16-26 Setting Public Hearing Date**

Kooiker advised that Scott Stevenson from D. A. Davidson, bond underwriter, will be present at the July 26 council meeting to discuss exploration of issuance of a \$2 million dollar G. O. bond. The purpose of the bond would be for demolitions, fire apparatus and street improvements. Brown stated that before moving forward with bonding he needs to know exact and hard figures and specifics on the proposed expenditures. He does not want to bond for any more money than is absolutely necessary. Agnitsch

agrees with Brown. Kooiker agreed that right now enough information has not been provided, but more information will be forthcoming at the next several council meetings and the Public Hearing will provide the best opportunity for a more in-depth discussion.

Brown made a motion setting a Public Hearing date for the issuance of notes not to exceed \$2,000,000 for new projects and not to exceed \$1,400,000 to refinance existing notes for Tuesday, July 26, 2016, at 7 p.m. in the Council Chambers, with the provision that this is for exploratory purposes only. Miller seconded the motion. Roll call was AYES: All. NAYES: None.

**Consent Business**

On a motion by Miller, seconded by Agnitsch, the following was approved under Consent Agenda. City Council Minutes of June 28, 2016.

June Clerk-Treasurer-s report and receipts as follows: General \$172,575.36; Police Forfeiture \$361.07; County Library \$3,500.69; Road Use \$71,212.27; Employee Benefits \$5,557.40; Emergency \$301.04; Local Option Sales Tax \$45,231.73; Hotel/Motel Tax \$13,046.38; Tax Increment Financing \$26,431.14; Revolving Loan \$517.65; Library Memorial \$245.17; Park & Rec Capital Improvement \$5.17; Debt Service \$350,555.52; Road Use Equipment \$35,006.68; CDBG Storefront Project \$14,761.48; FEMA Flood Buyout Program \$268,001.01; Emergency Set-Aside \$17,125.19; Oak Hill Perpetual Care \$2.05; Water Utility \$58,233.86; Water Utility – Industrial \$30.96; Water System Maintenance \$9,041.75; Sewer Utility \$92,149.43; Sewer Utility – Industrial \$20.54; Sewer Facility Bond & Interest \$29,959.17; Sewer System Maintenance \$5,750.00; CDBG Sanitary Sewer \$0; Aviation Authority \$167.23; Solid Waste \$25,710.78; Landfill \$31,437.75; Storm Sewer Utility - \$6,821.45; Self-Insurance \$19.80; Police Dept. Special Acct. \$0. Renewal of Class C Liquor License – Tanner’s Last Chance.

Class B Beer (5 day) Liquor License – Cherokee Chamber of Commerce (Street Dance).

Bills Totaling \$212,242.50

ACCO	CHLORINE	\$1,504.65
ALLIANT ENERGY	UTILITY SERVICES	\$80.67
ALPHA WIRELESS	INSTALL NEW RADIO	\$660.50
ARMOND RIDER	7/16 CELL PHONE REIMBURSEMENT	\$50.00
AUTOMATIC SYSTEMS CO.	SYSTEM PROBLEMS	\$1,532.00
BLAINE'S CULLIGAN	WATER & SALT	\$333.45
BLOOMING HOUSE	PARK FLOWERS	\$145.78
BOMGAARS	OPERATING SUPPLIES	\$1,307.40
BROWN SUPPLY CO.	MANHOLE CASTING	\$3,125.00
BUGH WELDING	BEECH ST. REPAIRS, LIBRARY REPAIRS	\$563.50
BUILDERS SHARPENING & SERVICE	MOWERS, PARTS	\$2,630.62
C-M-L TELEPHONE	7/16 INTERNET/TELEPHONE	\$421.99
CARROLL DISTRIBUTING	ADA DOMS, CEMENT DISSOLVER	\$512.62
CARUS CORPORTATION	CALCIQUEST CORROSION CONTROL	\$1,596.80
CERTIFIED TESTING SERVICE	SOIL TESTING & INSPECTION-ROOSEVELT	\$577.00
CHAMPION ELECTRIC	CEILING FAN/LIGHT, LIGHT BULBS	\$790.45
CHEROKEE AUTO PARTS	SUPPLIES	\$508.24
CHEROKEE COUNTY SOLID WASTE	7/16 ASSESSMENT, BEECH ST. WASTE	\$29,712.87
CHEROKEE COUNTY WORK SERVICES	TOWELS	\$33.14
CHEROKEE CO. RECORDER	RECORD FAÇADE EASEMENTS	\$308.00
CHEROKEE LUMBER	SHOP DOOR WOOD	\$486.33

CHESTERMAN COMPANY	COMMUNITY CENTER POP	\$175.10
CHRONICLE TIMES	MINUTES, HEARINGS	\$708.59
COMES INVESTMENTS/PIZZA HUT	PIZZA FOR POOL	\$80.00
COUNSEL	COPIER LEASE/COPIES	\$325.19
COUNTRY TIRE & SERVICE	LAWN MOWER TIRE REPAIRS	\$99.32
CRESCENT ELECTRIC	TAPE, WIRE, DRIVER	\$90.75
DENNY'S SERVICE	NEW FURNACE & AC-STREET	\$6,313.00
DUANE MUMMERT	7/16 CELL PHONE REIMBURSEMENT	\$35.00
FAREWAY	DISTILLED WATER	\$25.75
FARNER-BOKEN COMPANY	POOL CONCESSIONS	\$4,066.30
FASTENAL COMPANY	BOLT FOR BEECH ST. PUMP	\$28.55
FELD FIRE	FIRE EXTINGUISHERS	\$550.00
FIRST COOPERATIVE ASSOCIATION	WEED KILLER	\$70.85
FOUNDATION ANALYTICAL LAB	LAB TESTING	\$772.00
FREDERICK WELDING	DECK BELT	\$65.34
GEORGE SCHMIDT	7/16 CELL PHONE REIMBURSEMENT	\$35.00
HACH CO.	LAB TESTING EQUIPMENT	\$386.84
ICMA CONFERENCE REGISTRATION	REGISTRATION & MEMBERSHIP-SK	\$860.00
INDURON PROTECTIVE COATINGS	PAINT	\$338.00
IA. DEPT. OF NATURAL RESOURCES	ANNUAL WATER SUPPLY FEE	\$613.62
IOWA PUMP WORKS	BOOSTER PUMP	\$936.47
JANITOR'S CLOSET	SUPPLIES	\$323.68
JERRY'S TREE SERVICE	REMOVE & DROP TREES	\$880.00
JOHN MEIS	ROOSEVLET ST. ENGINEERING EXPENSE	\$10,988.00
KMART	SUPPLIES	\$274.20
KOENIG PORTABLE TOILETS	DELIVER TOILET-WESTCOTT	\$75.00
MID AMERICAN ENERGY	UTILITY SERVICES	\$482.77
MIDWEST CONSTRUTION RENTALS	PAINT STRIPPER	\$4,000.00
MODERN HEATING & COOLING	FAUCET & AC REPAIRS	\$542.59
MOST DEPENDABLE FOUNTAIN	SURFACE MOUNT FOUNTAIN & PARTS	\$3,283.00
MOTOR PARTS SALES	PARTS	\$56.84
MUNICIPAL EMERGENCY SERVICES	SUPPLIES	\$942.00
MUNICIPAL SUPPLY, INC.	WATER METERS	\$5,766.83
NATE JAMES	7/16 CELL PHONE REIMBURSEMENT	\$50.00
NELSON'S LOCKSMITH	FIX CRASH BAR AT YACHT CLUB	\$40.00
NORTHERN SAFETY CO.	LIGHT BAR & CONTROLLER	\$3,115.17
O'HALLORAN INTERNATIONAL	RADIATOR & HYDRAULIC HOSE	\$1,097.88
ONE OFFICE SOLUTIONS	OFFICE SUPPLIES	\$395.33
PETERSEN MFG. CO., INC.	MEMORIAL BENCH-FRISBIE	\$393.00
PETTY CASH	CUPS-RECREATION	\$6.16
PITNEY BOWES	POSTAGE MACHINE RENTAL	\$35.00
R.J. THOMAS MFG.	RED DOG SIGNS	\$67.50
RAPID AMERICAN PRESS	LAB BOOKS	\$1,650.00
REHAB SYSTEMS INC.	JET VAC & CLEAN LINES	\$7,937.00
REINERT MACHINE SHOP	MOWER PARTS	\$165.17

RON'S REPAIR	INGITION SWITH ON RED FORD	\$67.00
SAM KOOIKER	7/16 CELL PHONE REIMBURSEMENT	\$50.00
SANITARY SERVICES	6/16 GARBAGE PICK UP	\$25,324.95
SCE, LLC	VAC VALVE BOX	\$445.00
SCHUMACHER ELEVATOR CO.	BEECH ST. ELEVATOR CONTRACTOR	\$785.36
SHIELD TECHNOLOGY	MAINTENANCE AGREEMENT	\$1,313.75
SJE RHOMBUS	FIRE WALL FOR WATER PLANT	\$1,982.00
STANDARD READY MIX	MANHOLE MAIN/ROOSEVELT	\$172.50
T & L TOOLS	LED MIRROR & LIGHT	\$17.27
TODD LARSEN	7/16 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	7/16 CELL PHONE REIMBURSEMENT	\$35.00
TYLER TECHNOLOGIES	ANNUAL SOFTWARE MAINTENANCE	\$7,092.00
U. S. CELLULAR	CELL PHONE	\$163.63
US BANK EQUIPMENT FINANCE	COPY MACHINE LEASE	\$89.94
VERIZON WIRELESS	CELL PHONE	\$40.01
WALDNER'S LAWN SERVICE	LAWN CARE	\$246.10
WATCHFIRE SIGNS	DATE PLAN RENEWAL-ELEC. SIGN	\$200.00
WEX BANK	FUEL	\$2,924.32
WIESE OIL & SUPPLY	FUEL	\$539.25
WOODALL ELECTRIC	BEECH ST. REPAIRS	\$4,507.00
ALLIANT ENERGY	GAS	\$39.01
CHAMPION ELECTRIC	FIRE ALARM TEST	\$72.00
CHRONICLE TIMES	ADVERTISING	\$60.00
CONTROL SYSTEMS	ANNUAL MAINTENANCE	\$90.74
COUNSEL	COPIER LEASE, COPIES	\$138.84
DEMCO, INC.	OFFICE SUPPLIES	\$246.21
FAREWAY STORES	SUPPLIES	\$123.70
HORSE ILLUSTRATED	SUBSCRIPTION RENEWAL	\$28.97
INGRAM	BOOK	\$5.10
JUDY GRIENKE-MILLER	MILEAGE	\$61.52
MID AMERICAN ENERGY	ELECTRICITY	\$1,408.17
ONE OFFICE SOLUTIONS	OFFICE SUPPLIES	\$166.29
PETTY CASH	SUPPLIES	\$223.27
PLUNKETT'S PEST CONTROL	SERVICE CONTRACT	\$409.78
SIOUX CENTER PUBLIC LIBRARY	ONE CLICK SUBSCRIPTION	\$250.00
STEVE'S WINDOW CLEANING	CLEAN WINDOWS	\$90.00
TOTALLY BAKED	CHAMBER COFFEE SUPPLIES	\$50.00
AHLERS & COONEY P.C.	LEGAL SERVICES	\$1,526.50
BLOOMING HOUSE	2016 MEMORIAL DAY FLOWERS	\$6,777.00
CHEROKEE CO. TREASURER	J. VINCENTE TAX SALE	\$1,009.32
CHEROKEE FIRE DEPARTMENT	FIREMAN'S PAYROLL	\$1,045.00
CHUCK STUBBE	DEFERRED COMP PAYOUT	\$12,000.00
CREATIVE SERVICES	BUSINESS CARDS-HIST. PRESERVATION	\$16.49
DON EIKMEIER	CONSULTANT FEES	\$984.90

HOLZHAUER MOTORS	2016 RAM CREW CAB, 2016 RAM 2500 PICKUPS	\$51,352.00
MACH 3 ENTERPRISES	PAYMENT	\$300.00
MAYNARD STEWARD	REPLACEMENT HOUSING-FEMA	\$2,329.92
PITNEY BOWES	POSTAGE FOR METER	\$2,018.50
PITNEY BOWES GLOBAL	4/16 POSTAGE MACHINE LEASE	\$35.00
SIOUX SALES COMPANY	NEW EQUIPMENT FOR RESERVES	\$1,018.20
STEVE HARRIS CONSTRUCTION	N. ROOSEVELT PAYMENT #1	\$122,440.75
THREE RIVERS BENEFIT	7/16 ADMIN CHARGES, CLAIMS THROUGH 7/8	\$1,584.83
TRESURER, STATE OF IOWA	6/16 SALES TAX	\$7,480.00
USPS	UTILITY BILL POSTAGE	\$318.40
WINDSTREAM	TELEPHONE	\$5.69

**Water System/Plan Updates**

Neil Guess, engineer with Bolton & Menk, Inc., Spencer IA, outlined two proposed projects aimed at improving the City’s water system. One of these is the construction of a 12” water main loop for the existing 12” main located north of E. Main going south along Sioux Street, south across city-owned land and under the river toward the intersection of Sequoia Dr. and Rock Island Ave., then west and south across the fair grounds to Linden St. then west with a tie in at Hwy. 59. The construction of this water main loop will improve water pressure to the south side of town as well as provide for further industrial development. Currently the south side is fed with one water line, if this should go down the residents would be without water. A cost estimate of \$790,000 was obtained last winter. The second project involves necessary upgrades to the Spruce Street water plant. The plant is twenty years old and needs updates including new filters, controls, backwash waste pumps, and valves. Neil advises applying for State Revolving Loan Funds (SRF) for the upgrades to the water plant. Kooiker stated that the water main loop could potentially be financed with water revenue bonds. There would be about \$100,000 a year available for loan payments within the water fund without having to conduct a rate study.

Brown made a motion approving an engineering services contract proposal with Bolton & Menk contingent on the availability of financing. Johnson seconded the motion. Roll call was: AYES: All. NAYES: None

**Dogs at Oak Hill Cemetery**

Jaime Hodgdon, Cemetery Sexton of Oak Hill Cemetery, explained that people are walking their dogs at the cemetery, not using leashes and not cleaning up after them. In the last few weeks signs have been posted reminding dog owners to have their dogs on leash and to pick up any excrement, however he doubts the signs will be very effective. Agnitsch does not feel the cemetery is any place for dogs, there is all kinds of greenspace area to take dogs to. He is in favor of banning all but service dogs from the cemetery. Lila Saxby, 207 N. 6<sup>th</sup> St., addressed the council and stated that she and her husband have decorated the cemetery entrance for years. She has witnessed people walking their dogs in the cemetery and not cleaning up their messes. She feels the cemetery is a sacred place. The city employees do a super job keeping it looking nice and she knows the cemetery cannot be monitored constantly but this situation needs to be addressed. Mayor Murphy agrees that the cemetery is no place for dogs. Agnitsch made a motion to proceed with drafting an ordinance change to disallow pets at Oak Hill Cemetery except for service animals. Brown seconded the motion. Roll call was: AYES: All. NAYES: None.

**Administrator's Report/Update on Tyson Plant**

Bill Anderson from Senator Steve King's office and Jacob Bossman from Senator Grassley's office were present and addressed the council regarding the current situation with the Tyson facility. Bossman stated that Sen. Grassley has been aware of the unfortunate situation for several years and that he is hopeful that an amicable solution can be reached. Grassley has written a letter, a copy of which Bossman provided to the council, encouraging Tyson to do the right thing and work with the owner of the facility and local leaders to ensure that the facility is occupied and productive again. Bossman advised that there are several things that Grassley may be able to assist with.

Anderson distributed a copy of a letter to the council written by Sen. King to Tyson Foods. In the letter Sen. King urges Tyson to bring needed relief to the community by taking action to discontinue their lease agreement with the owner, allowing the city to move forward. Anderson stated that Sen. King is deeply concerned about the present situation.

Administrator Kooiker thanked both men for coming and stated it is important to note that this situation is not about getting additional clarification from Tyson Foods. Tyson has sent a letter to the facility owner, Mark Langfan, making it very clear that they will not allow any competitor of theirs to occupy the plant. Right now the parties are at an impasse. Mark Langfan's position is the same as it has always been, that he is willing to lease the plant to another industry for the same terms as he has now with Tyson, he wants to help Cherokee. Tyson has made their position very clear that they don't want a food processing or a meat processing industry occupying the facility. Their position may be related to the availability of the area labor pool. When Tyson was operating here many people drove in from Storm Lake as well as the surrounding area to work there. Other food production and meat processing companies may pay higher wages than Tyson Foods, making it difficult for them to attract needed laborers at their other area plants. This situation is more than about Cherokee wanting to avoid seeing the building deteriorate and become a nuisance; it is also about wage parity in northwest Iowa.

**Adjournment**

Brown made a motion to adjourn, seconded by Agnitsch. All voted aye, the meeting was adjourned at 8:02 p.m.

Media Present: Ken Ross, *Chronicle Times*, Nikki Thunder, *KCHE Radio*

---

Mark Murphy, Mayor

ATTEST:

---

City Clerk-Treasurer

