

**Regular City Council Meeting/Workshop  
City Hall, Cherokee, Iowa  
January 14, 2014 – 6:15 P.M.**

A regular meeting, preceded by a council workshop, was called to order on this date by Mayor Murphy. Present: Council members Brown, Pingel, Peck, Johnson, Miller, Administrator Eikmeier, Clerk-Treasurer Taylor.

Arvin Druvenga and Rod Meendering with Winther, Stave & Co., were present to review the 2012-13 audit report. In his overview of the audit, Mr. Druvenga referenced deficit funds that should be corrected as well as a shortfall in the sewer utility fund. Administrator Eikmeier said the council would be acting on the deficit funds later in the meeting. He also stated that he is in the process of having a sewer rate study completed for council review.

The regular meeting continued at 7:00 p.m. City Attorney Miller arrived at 7:00 p.m.

Kerisa Pingel is coordinating a class of Middle School students in a robotics competition, which also requires a public service project. The students have taken on the subject of tornado shelters for mobile home parks. The team of students made a brief presentation of their subject. As the City already requires safety shelters for mobile home parks inside city limits, the team made their presentation to the County Board of Supervisors for mobile home parks outside city limits. Their project won recognition at the regional level and they are now advancing to state competition in Ames. Mrs. Pingel said that additional presentations to local governments provides the team with extra ratings as well as gives the students additional speaking experience for the next round of competition. The Council thanked Mrs. Pingel and the students for their presentation.

At 7:12 p.m., Mayor Murphy opened a public hearing on the sale of lot 10, block 1, Doherty Addition. At the request of adjoining property owners, the council recently declared this lot as surplus and has advertised it for sale. This is an odd shaped lot with several mature trees and the adjoining owners were interested in retaining the lot as green space, rather than having a house built there. As there were no oral or written comments the Mayor closed the hearing at 7:13 p.m.

A motion by Peck, seconded by Brown, adopted Resolution No. 14-1, a resolution of desire to dispose of property—lot 10, block 1, Doherty Addition. Roll call was: AYES: All. NAYS: None.

The council received one bid on the above property: Robert & Eleanor Johnston, 410 Poplar Dr. for \$3,015.

On a motion by Brown, seconded by Pingel, the council adopted Resolution No. 14-2, disposing of property – lot 10, block 1, Doherty Addition – by sale to Robert & Eleanor Johnston for \$3,015. Roll call was: AYES: All. NAYS: None.

Eric Lundell, Sanitary Services, was present to request a garbage fee increase. Citing increases in labor, equipment and fuel costs he is requesting an increase of \$2.50/month/customer. His fee will increase from \$10.85/month to \$13.35/month. The last garbage fee increase was 12/1/08. Council member Johnson had asked the Administrator how this fee relates to the landfill fees. Administrator Eikmeier explained that they are two distinct fees. Sanitary Services fee covers the cost of picking up garbage and recyclables on a weekly basis. Landfill fees are dictated by a Commission made up of representatives from each city in the county, as well as a county representative. Those fees cover the cost to operate the county landfill. Council member Peck

asked why an increase hasn't been requested for 5 years. It would be easier for the customer to pay a smaller increase. Mr. Lundell indicated that he was going to make a request a year ago, but was getting "tarred and feathered" over the large increase in landfill fees, even though he has no control over those fees. A motion by Pingel, seconded by Brown, authorized an increase to Sanitary Services of \$2.50/month/customer. Sanitary Services will be asked to locate recycling dumpsters at each multi-family residence of 4 or more units, and will be instructed to report to City Hall residents who don't appear to be recycling so that those residents can be sent a notice regarding the City's mandatory recycling program. Fees will be reviewed at least every 2 years. Roll call was: AYES: Pingel, Johnson, Brown, Miller. NAYS: Peck.

A motion by Brown, seconded by Pingel, approved the first presentation of an ordinance increasing residents' garbage fees from \$11.20/month to \$13.50/month. Roll call was: AYES: All. NAYS: None.

Administrator Eikmeier reported that the City currently has three Facebook sites, one each at City Hall, the Library, and the Recreation Department. Other cities have begun to adopt administrative policies to regulate these sites. A motion by Miller, seconded by Johnson, approved Resolution No. 14-3, adopting an Administrative Policy regulating social media. Roll call was: AYES: All. NAYS: None.

As presented during the council workshop, the 2012-13 audit contained a recommendation that deficit funds be eliminated. A motion by Peck, seconded by Brown, adopted Resolution No. 14-4, authorizing the transfer of funds to eliminate the following fund deficits: Storms of 2010-\$13,858.03; Aquatic Center/Gillette Park Project-\$50,155.57; and Solid Waste-\$6,000. Roll call was: AYES: All. NAYS: None.

A motion by Brown, seconded by Pingel, unanimously approved the following under "Consent Business".

City council minutes of December 23rd.

Bills totaling \$193,675.21.

AHLERS & COONEY, P.C.	LABOR RELATIONS SERVICES	63.00
AL'S CORNER OIL CO.	DIESEL	33.15
ALLIANT ENERGY	NATURAL GAS	4,820.79
ALPHA WIRELESS	RADIO BATTERY	102.19
AMERICAN AQUATIC TESTING	ANNUAL WET TESTING	1,900.00
ARAMARK UNIFORM SERVICES	SHOP RAGS; RUGS; MOPS	50.28
AUDITOR OF STATE	2012-13 AUDIT FILING FEE	425.00
BAKER & TAYLOR, INC.	BOOKS & AUDIOS	1,330.63
BOB HATCH MASONRY CONST.	REPAIR PART OF RETAINING WALL	1,274.36
BOLTON & MENK, INC.	ENG.-2013 WATER MAIN IMPR.	206.00
BOMGAARS	OPERATING SUPPLIES	2,456.24
BRAD'S TIRE SERVICE	TIRE FOR '03 GMC	219.76
BREAK TIME	SUPPLIES	58.97
BRIDE'S	SUBSCRIPTION	11.97
BSN SPORTS, INC.	BASKETBALLS	257.88
BUILDERS SHARP. & SERVICE	FILTERS; PARTS FOR LEAF BLOWER	18.94
CALHOUN-BURNS & ASSO., INC.	ENG. - RIVER RD. BRIDGE	5,154.00
CERTIFIED TESTING SERVICES	COMP. STRENGTH-ROCK ISL. PAVING	132.00
	SOIL TESTING-DOHERTY IMPR.	939.00
CHAMPION ELECTRIC, INC.	REPAIR FIXTURES; BULBS; FUSE	402.93
	INSTALL GFCI & TREE LIGHTS	243.70
	WIRING FOR NEW WATER HEATER	157.03
	LOCATE WIRES-SIGNALS @ 2ND & BOW	83.00
CHEROKEE AUTO PARTS	VEHICLE MAINTENANCE SUPPLIES	113.20
CHEROKEE AVIATION AUTHORITY	DEC. TAX DRAW	784.11

CHEROKEE CO. CLERK/COURT	5 ABANDON PROPERTIES	250.00
CHEROKEE CO. SOLID WASTE	JAN. LANDFILL FEE; DEBRIS-N. 11TH	29,700.51
CHEROKEE CO. WORK SERVICE	CLEAN SHOP RAGS	7.15
CHEROKEE COUNTRY STORE	GAS FOR EQUIPMENT	139.08
CHEROKEE COUNTY RECORDER	RECORD DEEDS-RIVER RD. R-O-W	39.00
CHEROKEE FIRE DEPARTMENT	VOLUNTEER ALLOWANCES	385.00
CHEROKEE LUMBER, INC.	SUPPLIES/MATERIALS-MAINT. BLDG.	270.91
	MATERIALS TO REPAIR ROOF-BLDG. @ TOWER	131.60
CHEROKEE REG. MED. CENTER	RANDOM CDL DRUG TESTS	50.00
CHEROKEE STATE BANK	NSF CHECKS - WHITE; HOYLE	172.00
CHICAGO CENTRAL & PACIFIC	PROG. PAY.-CEDAR ST. CROSSING	1,728.43
CHRONICLE TIMES	SURPLUS PROPERTY BIDS; MINUTES	493.35
CIRCLE K	5 GAL. CAR WASH & WAX	78.00
CONTROL SYSTEM SPECIALISTS	MECHANICAL SYSTEM & BOILER REPAIR	1,140.44
COUNTRY TIRE & SERVICE	TIRE REPAIRS	33.06
CREATIVE SERVICES	PLAQUES FOR OUTGOING COUNCIL	42.00
DALLAS ELLIS	REF. V.B. - DEC.	25.00
DEMCO, INC.	SUPPLIES	54.90
DENNY'S SERVICE	PLUMBING REPAIR; INSTALL WATER HEATER	802.56
DIVERSIFIED FASTENING SYS.	LOCK NUTS; PLOW BOLTS	637.41
DIVISION OF LABOR	ELEVATOR INSPECTION	175.00
DOUBLEDAY LARGE PRINT	BOOK	21.99
DPC INDUSTRIES, INC.	CHLORINE	672.63
ELECTRONIC ENGINEERING	INSTALL RADIO & ANTENNA-NEW TRUCK	347.53
ELIZABETH DAWSON	REF. V.B. - JAN.	25.00
FAREWAY STORES, INC.	SUPPLIES	151.41
FELD FIRE	EXTINGUISHERS; SEALS; GUAGE	580.84
FIRST FIN. MERCHANT SERVICES	NOV./DEC. CHARGE CARD FEES	181.81
FOUNDATION ANALYTICAL LAB	SAMPLE TESTING	1,267.00
FREMONT INDUSTRIES, INC.	2 BARRELS OF POLYMER	1,359.62
GECRB/AMAZON	BOOKS & DVDS	262.62
GREGG COMPUTER SERVICE	COMPUTER TOWER; REPAIRS	949.00
HALLETT MATERIALS	SAND; ICE CONTROL SAND	3,062.53
HOLZHAUER MOTORS, LTD.	SERVICE VEHICLE; WIPER BLADES	64.95
HY-VEE PHARMACY	5 BOXES OF LATEX GLOVES	67.45
ICON	WATER PUMP; GASKET; PUMP BOLTS	241.47
INGRAM BOOK COMPANY	BOOKS	158.86
IOWA CODIFICATION, INC.	3 CITY CODE BOOKS	255.00
IOWA LAKES ELECTRIC COOP.	ELECTRICITY	46.48
IOWA LIBRARY ASSOCIATION	DUES	315.00
IOWA ONE CALL	NOV. LOCATES	72.90
IOWA PUMP WORKS	CHLORINE SYSTEM BOOSTER PUMP	744.23
IOWA STATE POLICE ASSOC.	MEMBERSHIP DUES	240.00
JANITOR'S CLOSET, LTD.	TISSUE; PAPER TOWELS	238.94
JASMINE RAMIREZ	REF. V.B. - DEC./JAN.	50.00
K-MART #9222	CLEANING/OFFICE SUPPLIES; COFFEE POT	149.22
LETSCHKE BIKE/RADIO SHACK	CLOCK BATTERY	5.99
LUNDELL CONSTRUCTION CO.	GRAVE DIGGING	330.00
	LOAD/HAUL SNOW DOWNTOWN-DEC.	1,089.75
	CLEAN SEWER ON DAKOTA	150.00
M.O.C.I.C.	2014 ANNUAL MEMBERSHIP	100.00
MARCUS LUMBER COMPANY	COUNTER TOP - MAINT. BLDG.	70.00
MASTERCARD	YOUTH B.B. JERSEYS	600.95
	MLA; BUSINESS CARDS; MAILING LABELS	131.18
	COMPUTER SECURITY SUBSCRIPTION	106.50
M. PARROTT/STOREY KENWORTHY	W2 FORMS; ENVELOPES	143.85
MAUREEN KOHN	1ST INSTALLMENT-SPRING LAKE HOUSE	8,500.00
MEGAN HUMMEL	REF. V.B. - DEC.	25.00
MID AMERICAN ENERGY	ELECTRICITY	22,142.71
MIKKI HINKHOUSE	REF. V.B. - JAN.	25.00
MITINET, INC.	MARC WIZARD SUBSCRIPTION	219.00
MOTOR PARTS SALES	VEHICLE MAINTENANCE SUPPLIES	333.04
NORTHWEST COMMUNICATIONS	DEC. INTERNET SERVICE	79.90

O'HALLORAN INTERNATIONAL	BATTERY; FUEL SOLENOID-SWEEPER	1,529.04
O'REILLY AUTOMOTIVE STORES	CLAMP; POWER CORD	25.41
OFFICE ELEMENTS	OFFICE SUPPLIES; COPIER LEASES	642.92
OFFICE OF VEHICLE SERVICES	8 SALVAGE AUTO CERTIFICATES	80.00
OMAHA WORLD-HERALD	SUBSCRIPTION	231.40
OTIS ELEVATOR COMPANY	ELEVATOR SERVICE CONTRACT	158.67
PERKINS OFFICE SOLUTIONS	OFFICE SUPPLIES	834.12
PETTY CASH - LIBRARY	SUPPLIES	198.84
PHILLIP REINERT	REPAIR SAMPLE TAP & TRANS. FEED	66.30
PIONEER PRODUCTS, INC.	DISINFECTANT; TOWEL HAND WIPES	649.44
PITNEY BOWES FIN. SERVICES	JAN. POSTAGE METER RENT	35.00
PITNEY BOWES	POSTAGE FOR METER	500.00
POWERPLAN	BOLT ON CUTTING EDGE FOR LOADER	702.54
PROFESSIONAL SURVEYING SERV.	R-O-W PLATS - RIVER RD. BRIDGE	3,500.00
	SURVEY/ENG.-DOHERTY IMPR.	20,000.00
R.J. THOMAS MFG. CO., INC.	SIGNS/BANNER FOR TRESTLE; BENCH	1,643.39
REINERT MACHINE SHOP	CUTTING EDGE-TRACTOR	112.93
	MISC. STEEL; BOLTS; NUTS	56.46
	REPAIR CHAIN TOOL & MANHOLE LID TOOL	65.00
RUPP MANUFACTURING	MAKE NEW SKIDS FOR SNOW BULLY	315.00
SAMANTHA HIRSCHMAN	REF. V.B. - DEC.	25.00
SANITARY SERVICES	DEC. GARBAGE PICKUP	20,766.90
SARA RAMIREZ	REF. V.B. - DEC.	75.00
SCHOON CONSTRUCTION CO.	LOAD/HAUL SNOW DOWNTOWN-DEC.	1,260.00
SIOUX SALES COMPANY	AMMO; SLING; LEATHER GEAR; FIREARMS	2,007.20
STEVE'S WINDOW SERVICE	WINDOW CLEANING	116.00
THE BOOK VINE	BOOKS	32.63
THE COURT FOCUS	JAN. SUBSCRIPTION	13.00
THREE RIVERS BENEFIT	CLAIMS THRU DEC. 27; JAN. ADMIN. FEE	3,695.61
TREASURER, STATE OF IOWA	DEC. SALES	5,571.21
UNITED PARCEL SERVICE	SHIPPING CHARGE	22.84
UNITED STATES CELLULAR	CELL PHONES	347.70
UNITYPOINT CLINIC-OCC. MED.	REVIEW RANDOM CDL DRUG TESTS	74.00
USPS	STAMPS; PRESORT PERMIT; UB POSTAGE	958.86
VERIZON WIRELESS	CELL PHONES & CARD	156.96
WALDNER'S LAWN SERVICE	REMOVE SNOW FROM CORNERS-DEC.	600.00
WALLY MILLER, JR.	DEC. LEGAL SERVICES	3,692.00
WIESE OIL & SUPPLY CO.	GAS; DIESEL; OIL; PROPANE	9,526.44
WINDSTREAM	PHONE/INTERNET SERVICE	1,147.86
WINTHER STAVE & CO.	FINAL PAYMENT - 2012-13 AUDIT	3,750.00
WOODALL ELECTRIC	GFCI OUTLET ON DIGESTER	854.00
	LIFT REPAIRS; REPAIR CLARIFIER LIGHTS	993.50
	REPAIR SCREENING AUGER @ PLANT	3,449.00
ZACH SITTIG	MEALS @ SCHOOL IN SIOUX CITY	20.16

Reviewed Library Board minutes of December 4th.

Reviewed Planning & Zoning minutes of January 7th.

A motion by Brown, seconded by Peck, authorized an engineering services contract with Calhoun-Burns and Assoc. for not to exceed \$87,500 for the bidding and inspection phase of the River Road bridge project. These services are required as part of the federal-aid project. Motion carried.

As part of a potential flood buy-out program, FEMA and Homeland Security require appraisals of the prospective properties. Quotes were received as follows: Claudia Comstock, Northwest Iowa Appraisals-\$300 each; Amanda Luscombe-\$325 each; Amber Kleve, Vander Werff & Assoc.-\$350 each, plus mileage. Claudia Comstock submitted the low quote and lives in Cherokee so would have no travel expenses. A motion by Miller, seconded by Pingel, authorized appraisal services from Claudia Comstock, Northwest Iowa Appraisals at \$300 per property. Motion carried.

The council reviewed two bids for an electric hot water pressure washer for the Street Dept.: Hotsy Equipment-\$6,532; Toliver Sales & Service-\$6,000. Jim Agnitsch, Street Supt., is recommending Hotsy Equipment even though it is the high bid. The Hotsy pressure washer has a much better guarantee – 5 years on the pump and 7 years on the heating unit. The Fire Dept. has a similar unit. This is a budgeted item. A motion by Brown, seconded by Pingel, authorized the purchase of the pressure washer from Hotsy Equipment for \$6,532. Motion carried.

The council is being asked to reconsider the vendor from which they will purchase recycling containers. Following the last meeting, where the council authorized the purchase of containers from Mid Iowa Sales, a company representative called to clarify that the containers do not have a lifetime warranty. Instead, they have a 10-year warranty. If that had an influence on the award of the bid, he wanted to make sure the information was corrected. The confusion regarding the warranty was between Mid Iowa Sales and Eric Lundell, who indicated that Mid Iowa would always stand behind their product. As a result of this information, both companies were asked to resubmit new bids. The new bids were as follows for 400 carts and 200 bins: Mid Iowa Sales-\$20,900; Otto Environmental-\$19,367. Council member Brown suggested going with the low bidder, but ordering an additional 200 bins at the offered price. A motion by Brown, seconded by Pingel, accepted the low bid from Otto Environmental for \$19,367, along with the purchase of an additional 200 bins at \$6.48 each plus shipping. Motion carried.

On a motion by Brown, seconded by Peck, the council unanimously approved the following appointments.

Planning & Zoning Commission – Tim Gaydo, Mike Moller

Park & Rec. Advisory Board – Jeff Nolder

County REAP Committee – Chad Brown

County Damage Assessment Team – Mick Mallory

Labor Negotiations – Mayor, Administrator, City Attorney, Chad Brown

County Landfill Commission – Mick Mallory

Siouxland Regional Housing Authority – Marci Brown

Iowa Surface Trans. Committee Policy committee – Jim Peck

Iowa Surface Trans. Committee Tech. Advisory Comm. – John Meis

City Administrator – Don Eikmeier

City Clerk-Treasurer – Deb Taylor

Deputy Clerk-Treasurer – Diane Cargin

City Attorney – Wally Miller, Jr.

Fire Department Officers: Fire Chief-Gary Chase; Treas.-Randy Reeves; Sec.-Ron Goth

A motion by Brown, seconded by Pingel, approved the Mayor's re-appointment of Marlene Lundsgaard, John Snapp, and Barb Busch-Mott to the Historic Preservation Commission. Motion carried.

On a motion by Pingel, seconded by Johnson, approved the Mayor's appointment of Mayor Murphy to the Cherokee County Conference Board. Motion carried.

A motion by Brown, seconded by Pingel, approved the Mayor's appointment of Mayor Murphy to the Cherokee County Emergency Management Commission. Motion carried.

A motion by Pingel, seconded by Peck, approved the Mayor's appointment of Chad Brown to the Cherokee Area Economic Development Board. Motion carried.

On a motion by Pingel, seconded by Brown, the council approved the Mayor's appointment of Jim Peck to the Cherokee E911 Board. Motion carried.

On a motion by Peck, seconded by Brown, the council approved the Mayor's appointment of Wayne Pingel as Mayor Pro-tem. Motion carried.

A motion to approve the Mayor's appointment of Steve Schuck as Police Chief was made by Pingel, seconded by Johnson. Roll call was: AYES: Pingel, Johnson. NAYS: Brown, Miller, Peck.

City Attorney Miller explained that even though the council did not approve the Mayor's appointment, Steve Schuck remains Chief until such time the Mayor chooses to appoint someone else to the position. This has been a long-standing practice and has been researched by the City Attorney as well as confirmed by the Iowa League of Cities counsel. The City Attorney said there would be no discussion of this matter by council unless Steve Schuck is offered the option of going into closed session.

A motion by Pingel, seconded by Johnson, approved the Mayor's appointment of the following Council department liaisons: Police-Mayor Murphy; Fire-Will Miller; Street-Jim Peck; Park & Rec.-Chad Brown; Water-Emily Johnson; WWTP-Wayne Pingel. Motion carried.

At the request of Steve Schuck, the council went into closed session at 8:12 p.m. as per Iowa Code Chapter 21.5(i) to evaluate an individual whose appointment, hiring, performance, or discharge is being considered to prevent needless and irreparable injury to that individual's reputation. Roll call was: AYES: All. NAYS: None.

On a motion by Johnson, seconded by Pingel, the council returned to regular session at 8:30 p.m. Roll call was: AYES: All. NAYS: None.

No action was taken in closed session.

The council reviewed the following reports.

1. Administrator's report. The Administrator reminded council of the retreat to be held February 3 at 5:00 p.m. Suggested budget workshops will be February 10 at 6:00 p.m. and February 11 at 5:00 p.m. These dates will be confirmed in the next few weeks. Following the sale of several surplus properties, a resident has approached the Administrator asking to use green space property for garden purposes. The council has no problem with this use. Council member Brown reported that he recently attended a REAP conference where he learned there is \$25 million available for competitive grants. This is an increase of \$10 million. He recommended looking at projects that may qualify for grant funds.
2. December Clerk-Treasurer's report and receipts as follows: General-\$78,734.93; Police Forfeiture-\$425.10; County Library-\$3,501.25; Road Use-\$59,227.35; Employee Benefits-\$25,468.36; Emergency-\$1,411.44; LOST-\$43,196.45; Hotel/Motel-\$29,469.61; Tax Increment Financing-\$400.31; Revolving Loan-\$23.70; Library Memorial-\$3,336.08; Park & Rec. Cap. Impr.-\$13.17; Debt Service-\$20,708.97; Emergency Set-Aside-\$13.81; Oak Hill Perpetual Care-\$31.03; Water Utility-City-\$64,647.20; Water Utility-Industrial-\$18,244.28; Water System Maint.-\$9,286.45; Sewer Utility-City-\$100,246.08; Sewer Utility-Industrial-\$21,401.25; Sewer Bd./Int.-\$27,105.93; Sewer System Maint.-\$3,333.34; Sewer Impr.-\$1,666.67; Aviation Authority-\$893.52; Solid Waste-\$40,915.93; Landfill-\$36,787.89; Storm Sewer Utility-\$6,949.28; Self Insurance-\$23.09; Police Special Acct.-\$.20.
3. December General Fund revenue/expense report.
4. December Police reports.

5. Year-end Community Center/Yacht Club report.
6. Winter Recreation report.
7. Year-end building permits report.

The meeting was adjourned at 8:42 p.m.

News media – Nikki Thunder, KCHE.

Mark Murphy – Mayor

ATTEST:

Debra Taylor  
City Clerk-Treasurer