

**CITY COUNCIL MINUTES
TUESDAY, MARCH 13, 2018, 7:00 P.M.
CHEROKEE CITY HALL**

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

Citizen of the Year Presentation

Mayor Schmidt presented the Citizen of the Year award to Henry (Hank) Hayes, commenting that Hank is a true servant who helps others. Hank thanked the Mayor and said he is humbled by receiving the award.

Water Bill at 410 Magnetic

Randall Klein, one of the owners of the property at 410 Magnetic Ave. is requesting relief on his utility bill. He wants to take the meter out as the house is vacant and wants to make repairs and rent the house again. Water was shut off at the curb due to delinquency on April 27, 2017, but because the water meter remains installed, Randall has continued to be billed for minimum monthly charges. The total due for municipal utility charges is \$1,197.77 as of March 2, 2018. Motion by Miller, seconded by Johnson, to reduce the amount Randall is liable for to \$500, and upon receiving payment of \$500 and a \$50 fee to pull the meter from Randall, the meter will be pulled. Randall will pay a \$50 fee to have the meter reinstalled. Randall and the City will sign an agreement stating that if anyone other than Randall requests that the meter be reinstalled, all delinquent deferred charges will need to be paid before the meter will be reinstalled. Roll call was: AYES: All. NAYES: None. Motion by Brown, seconded by Pingel to table action on the petition for title for abandoned property at 410 Magnetic Ave. to a later date. Roll call was: AYES: All. NAYES: None.

Obstacle Course Race

Matt Gustafson, owner of Northwest Iowa Twisted Steel Fitness is requesting use of Westcott Park and the disc golf area of Spring Lake Park for a 5K obstacle course race on August 4, 2018. The Parks & Rec Board is in support of this request. Motion by Miller, seconded by Agnitsch to authorize use of the parks for the 5K obstacle course race contingent on Matt obtaining proper insurance documentation and waiver authorization naming the City. Roll call was: AYES: All. NAYES: None.

Resolution 2018-20 Lewis Hotel Agreement

Attorney Ryan Mohr updated the council on his clients' efforts to obtain title to and rehabilitate the Lewis Hotel building at 231 W. Main St. Title has not yet been transferred and if by the end of March the transfer is not complete the tax sale process will continue. Upon inspection of the building, Jim Tometich and Armond Rider both had concerns about some of the proposed fixes to the roof and back wall. An agreement with the prospective owners, Frank Sawatzky and David Peters has been reached which lists items to be addressed concerning repair of the roof and the back wall before release of funds by the City takes place, and these items are addressed in "Exhibit B." Motion by Pingel, seconded by Miller, adopted Resolution 2018-20, a Resolution Approving Lewis Hotel Agreement with the incorporation of Exhibit B in the Resolution. Roll call was: AYES: All. NAYES: None.

Update on 123 E. Main Demolition

Kooiker advised the council that there are two options on the table for resolving the issue of a settlement amount for weatherproofing the wall of the Pool & Pub building at 119 E. Main, resulting from the demolition of 123 E. Main. The council authorized a settlement offer in the amount of \$14,250 in November, and unless another settlement offer is made this offer still stands. Lynn Waggoner, owner of 119 E. Main has not accepted that offer, and has counteroffered with a settlement amount of \$26,933 which would include installing five courses of 4" block with insulation to match the existing south and west walls and covering the remaining wall with 1 ½" of insulation and cement siding, as well as some roof work. Brown has done some research and believes an offer of \$18,000 to be fair which would include steel siding and other necessary work including roof work. Steel siding would cover the city's responsibility for weatherproofing the wall. Motion by Brown, seconded by Miller proposed a settlement offer of \$18,000, with an expiration date of April 27, 2018. Roll call was: AYES: Johnson, Brown, Pingel, Miller. NAYES: Agnitsch.

Ordinance #663 Increasing Residential Garbage Collection Fee

The council discussed comments they have received from residents regarding the proposed ordinance to increase garbage collection fees. Brown stated he is not a fan of renting garbage containers and has heard the same from others that would prefer to buy them. Some residents don't want the bigger containers. Brown asked Eric Lundell, Sanitary Services, if purchasing the containers instead of renting them is a feasible option. Lundell replied that the issue is repair. He has parts to repair broken containers and sometimes repairs them without the homeowner even knowing about it. Containers are only made for a certain amount of time. If the homeowner owns the container, they will be responsible for repairs or replacement. For residents that have trouble getting their garbage to the curb, Sanitary Services does offer walk-up service and his employees will retrieve the container from the garage or wherever the resident stores it, empty it and return it to the original spot. Residents just have to call him and explain their circumstances and request this. Dan Morrow, 409 S. 8th, stated he feels residents have had really good service from Sanitary Services and the main thing to be done is to contact the County Supervisors and get the tonnage rate lowered at the landfill. Brown commented that the bond for the pelleting equipment and building has not been paid off. Mayor Schmidt said that many hours have been spent trying to get that rate down and due to the 28E agreement with the landfill, it is a process. Lundell wants to see the recycling rate increased, Marcus' recycling rate is 53% and Cherokee's rate is 19%. Most everything is recyclable. With not having a required garbage container many residents are putting more than the allowable 132 gallons a week out for pickup as it is hard to determine just how much makes up 132 gallons. With a designated container, only the garbage in the container will be picked up which will encourage residents to recycle. Lila Saxby, 207 N. 6th, commented that it takes every person to use common sense and make an effort to recycle. Greg Stieneke, 800 E. Spruce St, recycles and has no use for a 55 gallon garbage container. He feels the City needs to work on pushing recycling more. Jolene Schumacher, 600 N. Roosevelt, stated she thinks more recycling dumpsters are needed in different areas around town. Brown asked Lundell of the proposed \$2.50 monthly increase, what percentage is for garbage rate and what percentage is for the container? Lundell replied that his cost per container is about \$2.00 per month. The .50 increase for collection would be the first since 2014 and he is proposing this low of an increase because the container requirement would allow him to run his routes more efficiently. Kooiker feels the City has a "soft" requirement on recycling, many cities require a specific container for recycling. He asked if Lundell could guarantee no further increase in garbage pickup for the next few years if the proposed ordinance

passed. Lundell stated that the contracts between Sanitary Services and the City have historically been for two years, and he would not ask for another increase for two years if he can get the required container provision in place. Brown still feels residents should be able to buy their own containers.

Motion by Miller, seconded by Brown approved the first reading of Ordinance #663, an Ordinance Raising Garbage Collection Fees by \$2.50 per month, allowing for garbage containers to be provided to all residential accounts and for those residential accounts who are currently renting the containers, the City's contracted hauler will provide maintenance and replacement. Roll call was: AYES: All. NAYES: None.

Resolution 2018-18 Approving Lease of Real Estate

Motion by Brown, seconded by Miller adopted Resolution #2018-18, a Resolution Approving Lease of Real Estate to FFA for Gardening Purposes. Roll call was: AYES: All. NAYES: None.

Resolution #2018-19 Designating Public Open Space for Native Grasses

Greg Stieneke expressed opposition to planting native grasses along E. Main St., he prefers to see it mowed and thinks there are better places in the greenspace area for such planting. Motion by Brown, seconded by Johnson adopted Resolution #2018-19, a Resolution Designating Area of Public Open Space for Planting of Native Grasses. Roll call was: AYES: All. NAYES: None.

Ordinance #664 Prohibiting Claim of Residency in City Campgrounds

Motion by Pingel, seconded by Miller approved the first reading of Ordinance #664, an Ordinance Prohibiting the Claim of Residency by campers in the city's park system and/or campgrounds. Roll call was: AYES: All. NAYES: None.

Consent Agenda

On a motion by Miller, seconded by Agnitsch, the following was approved under Consent Agenda. Roll call was: AYES: All. NAYES: None.

City Council Minutes of February 27, 2018.

February Police Report.

Reviewed Parks & Rec Advisory Board Minutes of March 5, 2018.

Class E Liquor License Renewal for A to Z Liquor.

Class C Liquor License for the Cherokee Country Club.

February Treasurer's Report and Receipts as follows: General \$25,062.05; Police Forfeiture \$3,190.11; County Library \$1.02; Road Use \$73,849.24; Employee Benefits \$4,427.72; Emergency \$173.61; Local Option Sales Tax \$236.57; Hotel/Motel Tax \$10.44; Revolving Loan \$28.86; Library Memorial \$3,429.39; Park & Rec Capital Improvement \$2.30; Cemetery Special Care \$14.11; Debt Service \$1,432.84; Road Use Equipment \$4.49; CDBG Storefront Project \$0; 2016 Capital Projects \$0; Emergency Set-Aside \$17.33; Oak Hill Perpetual Care \$0; Water Utility \$51,581.77; Water Utility – Industrial \$38.69; Water Main Project Bond & Interest \$4,993.75; Water System Maintenance \$9,354.86; Sewer Utility \$87,567.91; Sewer Utility – Industrial \$27.72; Sewer Facility Bond & Interest \$30,500.50; Sewer System Maintenance \$8,375.65; CDBG Sanitary Sewer \$22,676.61; Aviation Authority \$96.45; Solid Waste \$26,138.09; Landfill \$28,237.02; Storm Sewer Utility - \$6,585.88; Self-Insurance \$25.40; Police Dept. Special Acct. \$0

Bills totaling \$150,893.36

AHLERS & COONEY P.C.	GENERAL FINANCE	\$110.00
AHLERS & COONEY P.C.	ANNEXATION	\$651.00
AL'S CORNER OIL CO.	PARK DIESEL	\$137.76
ALLIANT ENERGY	GAS	\$1,458.40
ALPHA WIRELESS	PAGER BATTERIES	\$35.00
ALYSSA A. HERBOLD PLC.	WILSON SCHOOL NUISANCE	\$445.50
ALYSSA A. HERBOLD PLC.	2/18 LEGAL SERVICE	\$783.00
ALYSSA A. HERBOLD PLC.	DANGEROUS BUILDING	\$27.00
ARMOND RIDER	3/18 CELL PHONE	\$50.00
AURELIA LUMBER COMPANY	LUMBER	\$777.20
BAKER & TAYLOR INC.	BOOKS	\$602.72
BLAINE'S WATER COND.	SOFTNER SALT	\$145.30
BOMGAARS	OPERATING SUPPLIES	\$21.78
BRAD'S TIRE SERVICE	TIRE REPAIRS, MOWER PARTS	\$158.05
BROWN SUPPLY CO.	FLANGE GASKET & BOLT PAK	\$165.07
BUILDERS SHARP. & SERVICE	WHEEL GEAR ASSY	\$49.89
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$638.31
CALIBRE PRESS	CONST. USE OF FORCE CLASS	\$149.00
CARROLL DISTRIBUTING	SAFE SEAL	\$528.67
CENTRAL IOWA DIST. INC.	TOWELS, SQUEEGE	\$275.40
CHAMPION ELECTRIC, INC.	BALLAST, LIBRARY LIGHTS	\$517.80
CHEROKEE AREA ECONOMIC DEV.	FY18 3RD QTR. CONTRIBUTION	\$3,457.50
CHEROKEE AUTO PARTS	OPERATING SUPPLIES	\$213.58
CHEROKEE CO. SOLID WASTE	2/18 ASSESSMENT	\$29,688.51
CHEROKEE COUNTY RECORDER	RECORD ALDAG DEED	\$47.00
CHEROKEE REGIONAL MED. CENTER	DRUG SCREEN	\$28.00
CHESTERMAN COMPANY	POP FOR COMMUNITY CENTER	\$72.10
CHRONICLE TIMES	LEGAL PUBLICATIONS	\$623.24
CINTAS	FIRST AID SUPPLIES	\$178.41
COGRAN SYSTEMS	1/18 REC. REGISTRATIONS	\$150.00
COUNSEL	COPY OVERAGE & CONTRACTS	\$253.02
COUNTRY TIRE & SERVICE	TIRE PATCH	\$30.10
CRABTREE PUBLISHING COMPANY	BOOKS	\$130.00
CREATIVE PRODUCT SOURCE, INC	PENS, PUZZLES	\$267.05
CROSSROADS OF WESTERN IOWA	CLEAN SHOP TOWELS & RUGS	\$35.50
DEER VALLEY LAND IMPROV.	SNOW REMOVAL 2/25/18	\$580.00
DUANE MUMMERT	3/18 CELL PHONE	\$35.00
FAREWAY STORES, INC.	LIBRARY & WATER SUPPLIES	\$189.70
FELD FIRE	FIRE SUPPLIES	\$3,323.98
FOUNDATION ANALYTICAL LAB	WASTEWATER SAMPLES	\$242.00
FRANK DUNN CO.	HIGH PERFORMANCE PATCH	\$1,598.00
GEORGE SCHMIDT	3/18 CELL PHONE	\$35.00
GREG EATON, FIRE CHIEF	2/18 FIREMAN PAYROLL	\$1,450.00
GRUNDMAN-HICKS L.L.C.	WATER TREATMENT IMP.	\$29,131.75
HALLETT MATERIALS	ICE CONTROL SAND	\$1,289.19
HAWKINS, INC.	LAB SUPPLIES	\$535.00
HILLYARD	CLEANING SUPPLIES	\$119.34

HOLZHAUER MOTORS, LTD.	OIL CHANGE, INSPECTION	\$1,402.07
HOTSY EQUIPMENT CO.	PARTS	\$6.06
INGRAM BOOK COMPANY	BOOKS	\$17.68
IOWA COMM. ASSURANCE POOL	RESTITUTION - T. PEDERSEN	\$300.00
IOWA INSURANCE DIVISION	OAK HILL REPORT FILING FEE	\$26.00
IOWA WORKFORCE DEVELOPMENT	ELEVATOR PERMITS	\$225.00
JAMIE HODGDON	3/18 CELL PHONE	\$35.00
JERRY HOLLOWAY	OFFSET REIMB.-J. CASTRO	\$51.55
JIM'S SEWER SERVICE	JET SEWER W. BEECH ST. & TYSON	\$900.00
JOHN MEIS	STBG APPLICATION	\$387.06
K & M TREE SERVICE	S. ANDERSON TREE REMOVAL	\$650.00
K-MART #9222	AIR FRESHNERS, WATER	\$10.72
MARCUS LUMBER COMPANY	ADHESIVE	\$11.98
MID AMERICAN ENERGY	ELECTRICITY	\$891.29
MID-AMERICAN BENEFITS, INC	FLEX MEDICAL & CHILDCARE	\$4,663.99
MITINET INC.	LEGACY BESTMARC STANDARD	\$219.00
MODERN HEATING & COOLING	FURNACE REPAIRS	\$76.75
MOTOR PARTS SALES	VEHICLE PARTS	\$69.75
NATE JAMES	3/18 CELL PHONE	\$50.00
O'HALLORAN INTERNATIONAL	HYDRAULIC HOSE	\$22.40
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$207.84
PETTY CASH - LIBRARY	POSTAGE, NEWSPAPERS	\$78.03
PITNEY BOWES GLOBAL FIN. SERVICE	POSTAGE MACHINE LEASE	\$158.64
POPULAR SCIENCE	SUBSCRIPTION RENEWAL	\$29.97
RAPID AMERICAN PRESS	ENVELOPES & WATER RECEIPTS	\$417.00
REINERT MACHINE SHOP	JD TRACTOR & PLOW REPAIRS	\$484.97
RIVERFRONT CAR WASH	SNOW REMOVAL	\$427.50
SAM KOOIKER	3/18 CELL PHONE	\$50.00
SANITARY SERVICES	2/18 GARBAGE PICK UP	\$24,790.95
SCE, LLC	SNOW REMOVAL, 2/7 & 2/9	\$4,950.00
SHOPKO STORES OPERATING CO	OPERATING SUPPLIES	\$49.90
SJE RHOMBUS	PRIMEX CONTROLS FOR MHI LIFT	\$9,995.00
STEVE'S WINDOW SERVICE	CLEAN LIBRARY WINDOWS	\$90.00
THE ACCURATE COURT REPORTER	SUBSCRIPTION RENEWAL	\$39.00
THE BOOK VINE	BOOKS	\$129.23
TODD LARSEN	3/18 CELL PHONE REIM. MILEAGE	\$280.25
TODD MILLER	3/18 CELL PHONE	\$35.00
TOM MUMMERT	SNOW REMOVAL 2/25	\$450.00
TREASURER, STATE OF IOWA	2/18 SALES TAX	\$4,293.00
UI HEALTH CARE EMS LEARNING	HEARTSAVER CPR/AED CARDS	\$161.00
U.S. BANK EQUIPMENT FINANCE	COPY CONTRACT	\$89.94
USA BLUE BOOK	LAB SUPPLIES	\$160.38
USPS	UTILITY BILL POSTAGE	\$312.13
UTILITY EQUIPMENT COMPANY	WATER SUPPLIES	\$309.05
VALLEY VETERINARY CENTER	BOARD LARGE DOG	\$119.00
VERIZON WIRELESS	CELL PHONE	\$475.57
WALDNER'S LAWN SERVICE	330 SUMNER SNOW REMOVAL	\$100.00

WATCHGUARD VIDEO	CAMERA CHEST MOUNT	\$262.00
WEX BANK	FUEL	\$2,856.27
WIESE OIL & SUPPLY CO., LT	PROPANE	\$150.00
WINDSTREAM	TELEPHONE	\$496.92
WOODALL ELECTRIC	SEWER PLANT REPAIRS	\$6,192.70
YOUR FLEETCARD PROGRAM	PARK FUEL	\$197.39
ZACH FREKING-SMITH	DVD'S, COMIC-CON SUPPLIES	\$83.61

Liability Insurance Renwal

Terri Brown with Perspective Insurance gave an overview of the City's ICAP property and liability insurance policy renewal. Motion by Pingel, seconded by Johnson to authorize the Mayor to sign the commitment to continue ICAP membership and authorized payment to ICAP for 2018-19 premium. Roll call was: AYES: Johnson, Miller, Pingel, Agnitsch, Brown. NAYES: None. Terri also presented the Cherokee Fire Dept. with a check for \$500 on behalf of Perspective Insurance. The council expressed appreciation for this generous donation.

Cemetery Building

Duane Mummer, Park Superintendent, advised that the City had received three bids for the construction of a 42' x 50' storage/bathroom building at Oak Hill Cemetery. The bids are as follows: Benson Construction \$102,205.23; Rob Kannegieter \$115,756; C&K Construction \$124,500. The bids do not include septic tank, leach field and concrete for sidewalks/approach which is estimated at an additional \$6,951.06. \$96,000 is currently budgeted, a combination of Emergency Set-Aside Funds, General Fund and Oak Hill Special Care Funds. The shortage is estimated at \$13,166.50. Motion by Brown, seconded by Pingel, to award the low bid of Benson Construction and fund the shortage with a combination of Emergency Fund and General Fund monies from the current and FY18-19 budget. Roll call was: AYES: All. NAYES: None.

Authorize Bidding for Salt/Sand Shed

Motion by Brown, seconded by Miller to proceed with the bidding process for the new Street Department salt/sand storage building. Roll call was: AYES: All. NAYES: None.

Bridge Hydraulic Study

Armond Rider updated the council on the proposed bridge hydraulic study to analyze and propose recommendations for the city's eight bridges. Josh Pope, City Engineer, advised that including all of the bridges in the study will be more cost effective. Brown is not in favor of closing the E. Maple St. bridge and Pope said that it is not necessary to do so at this time. Motion by Pingle, seconded by Johnson to authorize the study by Bolton & Menk with the exclusion of the E. Maple St. bridge. Roll call was: AYES: All. NAYES: None.

Change Order #1 for Water Treatment Facility Improvements Project

Motion by Agnitsch, seconded by Johnson to approve Change Order #1 in the amount of \$11,061.96 for the Water Treatment Facility Improvements Project. Roll call was: AYES: All. NAYES: None.

Update on Proposed Skate Park

Emily Johnson reported that there is a lot of interest in building a skate park and a committee has been formed. The committee is looking at possible locations. The work is in the preliminary stages.

Adjournment

On a motion by Agnitsch, seconded by Brown, the meeting was adjourned at 9:11 p.m.

Media Present: None

Craig Schmidt, Mayor

ATTEST:

Diane Cargin
City Clerk Treasurer