

**CITY COUNCIL MINUTES  
JUNE 8, 2021, 7:00 P.M.  
CHEROKEE CITY HALL**

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

**Approve Agenda**

Motion by Loughlin, seconded by Brown to approve the agenda. Roll call was: AYES: All. NAYES: None.

**Public Hearing – Acceptance of Real Property**

At 7:01 p.m., Mayor Schmidt opened a Public Hearing on the proposed acceptance of real property consisting of a strip of land currently owned by Judith Luetkeman, as Trustee of the Don and Judith Luetkeman Revocable Trust, 920 Riverview Drive. The owner has agreed to transfer the real estate to the city as a gift for the public purpose of allowing a new trail to be developed around an existing lift station. As there were no oral or written comments, the Public Hearing was closed at 7:02 p.m.

**Resolution #2021-32 Acceptance of Real Property.**

Motion by Brown, seconded by Miller to adopt Resolution #2021-32, a Resolution to Complete the Acceptance of Real Property from the Don D. Luetkeman and Judith A. Luetkeman Revocable Trust to Expand the Public Trails System. Roll call was AYES: All. NAYES: None.

**Resolution #2021-31 Approving FY21 Budget Amendment**

Motion by Loughlin, seconded by Pingel to adopt Resolution #2021-31, a Resolution Adopting Amendment to Annual Budget for FY2020-21. Roll call was: AYES: All. NAYES: None.

**Rezoning of Hwy. 3 Parcel from M1 to R1**

Motion by Loughlin, seconded by Brown to approve the minutes of the Planning & Zoning Commission of June 1, 2021, as the official report of the commission to the council, in which it was their recommendation to proceed with the Public Hearing and the rezoning of a 27 acre parcel of land owned by the City along 515<sup>th</sup> St. and Industrial Rd. from M-1 to R-2. Roll call was: AYES: All. NAYES: None.

**Resolution #2021-33 Setting Public Hearing Time and Place**

Motion by Pingel, seconded by Miller to adopt Resolution #2021-33, a Resolution Setting Time and Place of Public Hearing on Proposed Re-zoning of Real Estate located north of Hwy. 3 along 515<sup>th</sup> St. and Industrial Rd. from M-1 Light Industrial District to R-2 Multiple Family Residential District for June 22, 2021, at 7:10 p.m. at City Hall. Roll call was: AYES: All. NAYES: None.

**Ordinance #700 Conditional Uses in R-1 Zoning Regulations**

List explained that the Planning & Zoning Commission met on June 1, 2021, and recommended amending the City Code to allow for child care centers as a conditional use in R-1 zoning

district. Conditional use means a use which is not allowed in the district as a matter of right, but which is permitted upon findings of the P& Z Commission that under the particular circumstances present, such use is in harmony with the principal permitted use of the district. The recommendation was in response to a request for re-zoning for a lot recently purchased for the construction of a daycare center from R-1 to R-2. Creative Minds Daycare current operates as in “in-home” daycare located at 607 N. Saratoga Ave. In-home daycares are considered a home occupation and therefore allowed in R-1 zoning district. Rebecca Mosbach, owner of Creative Minds Daycare, has purchased a vacant lot at the south end of N. Saratoga Ave. and plans to construct a new building for the daycare on this property. The property at 607 N. Saratoga would be sold. The new building would look like a ranch-style house and provide daycare services for up to 60 children. The current daycare has a capacity of 16 children. Pingel expressed concern about the proposed traffic increase. Brown doesn’t think the street is wide enough for all of the resulting traffic, this is a narrow street. Mosbach stated that if the amendment for conditional use is not approved, her current daycare will have to close as she is not in compliance with R-1 zoning regulations. No one lives at 607 Saratoga. She is very concerned for these parents and children that would have to make other daycare arrangements. She has over 100 families on a waiting list. Loughlin responded that the council is very concerned about the shortage of daycare services in Cherokee, but that is not the issue with this request. Numerous neighbors were present and expressed opposition to the increased traffic the new daycare facility would bring. No one is opposed to a new daycare but feel that this is not the place to locate one. Mosbach replied that there is nothing suitable out there for sale. She had thought she had followed all the regulations for the location of a daycare facility, had approval from DHS and also had spoken with the county assessor about taxation classification. Pingel said the issue is with the city code restrictions, not state regulations. List stated that the council could approve the first reading with an amendment to limit any conditional use to a maximum of 16 children, which would allow the current daycare facility to keep operating as such.

Motion by Miller, seconded by Pingel, to approve the first reading of Ordinance #700, an Ordinance Amending Provisions Pertaining to Conditional Uses in R-1 Zoning Regulations with an amendment that the conditional use be permitted with a maximum capacity of 16 children for a facility. Roll call was: AYES: All. NAYES: None

### **Consent Agenda**

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

City Council Minutes of May 25, 2021.

May Police Report.

Class C Liquor License – Gasthaus Bar & Gill

Class E Liquor License – Liquor on the Corner

Class C Beer Permit – Sparky’s One Stop #7

Class C beer Permit – HyVee Gas

Tax Abatement Application – 515 W. Cedar St. JMiller Enterprises

Pay Application #5 – Magnetic Park Trail

Cigarette Permits for the following: Hy-Vee Gas, Hy-Vee Food Store, Fareway Stores, Sparky’s One Stop, Casey’s General Store, Liquor on the Corner, Dollar General Store, Cherokee Country Store, A to Z Liquor, VFW Post 2253 Kee Stirs

May Treasurer's Report and Receipts as follows: General \$100, 748.38; Police Forfeiture \$1,593.97; County Library \$.90; Road Use \$57,137.35; Employee Benefits \$31,749.43; Emergency \$2,040.24; Other Street Monies/Local Option Sales Tax \$57,137.35; Hotel/Motel Tax \$20,223.12; Tax Increment Financing \$0; Wilson School Reserve \$0; Revolving Loan \$.19; Library Memorial \$1,407.18; Park & Rec Capital Improvement \$9.91; Cemetery Special Care \$.26; Debt Service \$18,901.21; 2016 Capital Projects \$0; Floods of 2018/19 \$0; S. 5<sup>th</sup> Street Improvement Project \$0; Emergency Set-Aside \$8.69; Oak Hill Perpetual Care \$10.00; Water Utility \$55,176.15; Water Utility – Industrial \$4.31; Water Main Project Bond & Interest \$5,273.00; Water System Maintenance \$9,126.56; Sewer Utility \$93,301.66; Sewer Facility Bond & Interest \$34,006.00; Sewer System Maintenance \$8,533.49; CDBG Sanitary Sewer \$370,798.45; Aviation Authority \$1,133.44; Solid Waste \$29,869.04; Landfill \$28,479.41; Storm Sewer Utility \$6,457.75; Self-Insurance \$1,965.01; Police Dept. Special Acct. \$.00. Bills totaling \$1,354, 904.73

A-OX WELDING SUPPLY CO.	CYLINDER	\$11.95
AHLERS & COONEY P.C.	URBAN REVITALIZATION PLAN, SEWER REVENUE	\$2,629.00
ALLIANT ENERGY	NATURAL GAS	\$182.51
ANDY TODD	PANT REIMBURSEMENT	\$192.57
AUGUST ENTERPRISES, LLC	FEMA-218 E ELM ASBESTOS INSP.	\$1,560.00
AURELIA LUMBER COMPANY	LUMBER	\$366.59
BECK ENGINEERING, INC.	ROOSEVELT AVE RECONSTRUCTION	\$5,384.00
BECK ENGINEERING, INC.	EUCLID AVE. RECONSTRUCTION	\$8,365.00
BECK ENGINEERING, INC.	WILLOW ST. BOX CULVERT	\$2,700.00
BECK ENGINEERING, INC.	HWY 59 STORM SEWER	\$9,865.00
BLAINE'S WATER CONDITIONING	RENTALS & WATER	\$113.90
BLOOMING HOUSE	FLOWERS	\$2,137.46
BOKF, NA	G.O. BOND PAYMENTS	\$758,907.50
BOMGAARS	OPERATING SUPPLIES	\$2,244.45
BRAD'S TIRE SERVICE	MOWER PARTS	\$336.43
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$664.74
CENTRAL IOWA DIST. INC.	JANITORIAL SUPPLIES	\$149.80
CHEROKEE CO. SOLID WASTE	5/21 ASSESSMENT, CITY WIDE CLEAN UP	\$30,126.01
CHEROKEE COUNTY RECORDER	RECORD AFFIDAVIT	\$57.00
CHEROKEE ROTARY CLUB	MEALS	\$104.00
CHEROKEE STATE BANK	2018 FIRE PUMPER LOAN PYMT.	\$31,797.25
CHRONICLE TIMES	5/21 LEGAL PUBLICATIONS	\$1,628.30
COUNSEL	COPY OVERAGE	\$96.96
COUNTRY TIRE & SERVICE	TIRE & BRAKE REPAIRS	\$504.33
DANIELLE NELSON	UTILITY BILL REFUND	\$52.93
DETROIT INDUSTRIAL TOOL	CUTTING WHEELS	\$340.13
DIAMOND VOGEL PAINTS	STREET PAINT	\$1,424.20
DUANE MUMMERT	6/21 CELL PHONE REIMBURSEMENT	\$35.00
ERIC LIST	6/21 CELL PHONE REIMBURSEMENT	\$50.00
FASTLANE MOTOR PARTS	CLEAN & SHINE	\$24.79
FELD FIRE	FIRE SUPPLIES	\$4,510.80
FIREICE FIREARMS LLC	TROLLING MOTOR	\$150.00
FIRST COOPERATIVE ASSOC.	MAD DOG	\$118.65
GAMETIME	SLIDE & SWING BELTS	\$5,620.63
GEORGE SCHMIDT	6/21 CELL PHONE REIMBURSEMENT	\$35.00
GREG EATON, FIRE CHIEF	VOLUNTEER FIREMAN PAYROLL	\$470.00
H & S ELECTRIC	WIRE FOUNTAIN AT SPRING LAKE	\$600.98

HAWKINS, INC.	LAB SUPPLIES	\$844.30
I.M.W.C.A.	FY22 W/C PREMIUM	\$41,330.00
IOWA FINANCE AUTHORITY	SRF LOAN PAYMENTS	\$378,624.00
IOWA LAW ENFORCEMENT ACADEMY	EVAL OF MMPI	\$150.00
IOWA ONE CALL	LOCATES	\$116.10
JACK'S UNIFORMS & EQUIPMENT	PD SUPPLIES	\$2,809.10
JAMIE HODGDON	6/21 CELL PHONE REIMBURSEMENT	\$35.00
K & M TREE SERVICE	REMOVE TREES	\$1,260.00
KIESLER POLICE SUPPLY	AMMO	\$899.76
LUKE GRAVENISH	6/21 CELL PHONE REIMBURSEMENT	\$50.00
MID AMERICAN ENERGY	ELECTRICITY	\$250.13
MID-AMERICAN BENEFITS, INC	6/21 HRA & FLEX ADMIN FEE & CLAIMS	\$3,663.85
MOTOR PARTS SALES	CABLE TIES	\$17.29
NATE JAMES	6/21 CELL PHONE REIMBURSEMENT	\$50.00
NOGGIN WATER	COOLER RENT & WATER	\$25.00
NORTHWEST IOWA LEAGUE OF CITIES	LEAGUE MEETING REGISTRATION	\$15.00
O'HALLORAN INTERNATIONAL	BRAKE REPAIRS	\$165.00
PERRIN DIRECTIONAL DRILLING	BORE DUCT	\$200.00
PETTY CASH	POOL START UP CASH	\$180.00
PITNEY BOWES GLOBAL FIN. SERVICE	POSTAGE MACHINE LEASE	\$158.64
SANITARY SERVICES	5/21 GARBAGE PICK UP	\$29,103.60
SIOUX SALES COMPANY	BATTERY	\$10.00
SPENCER DOMSCH	UTILITY BILL REFUND	\$5.44
STANARD & ASSOCIATES, INC.	TEST & CERTIFICATES	\$53.50
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$26.00
THE ACCURATE COURT REPORTER	SUBSCRIPTION RENEWAL	\$39.00
TODD LARSEN	6/21 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	6/21 CELL PHONE REIMBURSEMENT	\$35.00
TREASURER, STATE OF IOWA	SALES & WET TAX	\$4,591.00
TRUCK EQUIPMENT INC.	GUTTER & SWEEPER BROOMS	\$490.28
USPS	UTILITY BILL POSTAGE	\$328.78
VERIZON WIRELESS	HOT SPOTS & CELL PHONES	\$429.68
WATCHGUARD VIDEO	CAMERAS & CHARGING BASE STATION	\$610.00
WELLS FARGO FINANCIAL LEASE	COPIER LEASE	\$142.00
WESTERN IOWA LANDSCAPING	SEEDER RENTAL	\$450.00
WEX BANK	FUEL	\$3,771.26
WIEMOLD SMALL ENGINE REPAIR	SHARPEN CHAINS	\$28.50
WIESE OIL & SUPPLY CO., LT	FUEL	\$443.16
WOODALL ELECTRIC	PRESSWASH INSTALL & CEMETERY FLAG POLE	\$9,911.50

### **Work Comp Renewal**

Terri Brown, Perspective Insurance, reviewed the I.M.W.C.A. (work comp) policy renewal with the council. Terri noted that the FY22 estimated coverage premium has decreased from \$47,134 to \$41,330 partially due to a decrease in the mod factor. Motion by Brown, seconded by Miller to approve the worker's comp insurance renewal. Roll call was: AYES: All. NAYES: None.

### **Pollution Liability Insurance**

Terri Brown, Perspective Insurance presented a quote from Mid-Continent Excess & Surplus Insurance Co. for pollution liability coverage in the amount of \$656.50 for \$1,000,000 of coverage. The city is not required to carry the insurance on above-ground storage tanks, however

the premium is low for the added protection. Motion by Miller, seconded by Brown to approve the purchase of the pollution liability insurance with Mid-Continent. Roll call was: AYES: All. NAYES: None.

### **Request for Sanitary Sewer Charge Reduction**

Duane and Rhonda Reinholdt, 707 Cornelius St., are requesting a reduction in sanitary sewer charges for water used to fill their swimming pool. Reinholdt had contacted City Hall prior to filling the pool to inquire about a lawn (outside use) meter but did not have one installed. He planned to fill at 350 gallon tote from the coin operated machine on E. Maple St. to haul water to fill the 3500 gallon pool on May 15, but the machine was jammed. Motion by Brown, seconded by Johnson to deny the request. Roll call was: AYES: All. NAYES: None.

### **CDBG Sanitary Sewer Project Phase 2 – Change Order #3**

Amanda Goodenow, engineer with ISG, Inc., reviewed Change Order #3 for the CDBG Sanitary Sewer Project, Phase 2, in the amount of \$102,122.00. Because of the heavy construction traffic during the removal of the water treatment plant and the reconstruction of Linn St., a portion of the street is so damaged that there is no resurrecting it. Goodenow recommends reconstruction of N. 1<sup>st</sup> St. from the intersection of Linn St. to the alley to south, approximately 154'. Using the same contractor as for the sanitary sewer project with unit prices already set will save on mobilization and other costs. With deducts on two previous change orders, approving Change Order #3 will put the total project cost at around \$17,000 over the original bid project cost. Motion by Pingel, seconded by Miller to approve Change Order #3. Roll call was: AYES: All. NAYES: None.

### **Nutrient Reduction Study – Wastewater Plant**

Lenny Larson and Seth Lamb, ISG, Inc., updated the council on the DNR mandated Nutrient Reduction Facility Plan at the wastewater plant. The facility plan includes a full facility evaluation to assess the overall plant condition and to identify key improvements to be made as well as to outline the proposed chemical phosphorus removal system. Some of these improvements are more important than others, not all need to be done at once. ISG will prioritize the improvements and put together cost estimates.

### **Reports/Other**

List reported that an adjoining property owner is interested in purchasing the old water plant property along N. 1<sup>st</sup> St. The council is not interested in selling it at this time.

### **Adjournment**

On a motion by Pingel, seconded by Loughlin, the meeting was adjourned at 7:58 p.m.

Media Present: *None*  
Craig Schmidt, Mayor

ATTEST:  
Diane Cargin, City Clerk-Treasurer