

**CITY COUNCIL MINUTES  
JULY 13, 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, Miller, Loughlin (by phone), Johnson (by phone), City Administrator List (by phone), and City Clerk-Treasurer Cargin. Absent was Councilperson Pingel.

**Approve Agenda**

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

**Public Forum**

Pam Nielsen, 624 Saratoga, reported that overgrown shrubbery between the street and sidewalk along the alley at the corner turning onto Spruce is hindering drivers' vision, also it was reported that a similar situation exists at the south end of Hyland Ave. List replied that the city would check it out.

**Public Hearing – Acceptance of Real Property**

At 7:02 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 7:03 p.m.

**Resolution #2021-40 Acceptance of Real Property.**

Motion by Loughlin, seconded by Brown to adopt Resolution #2021-40, 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.

**Public Hearing – Proposed Zoning Regulations Regarding Conditional Uses for Child Care**

At 7:03 p.m., Mayor Schmidt opened a public hearing on the proposed zoning regulations pertaining to R-1 zoned and C-1 zoned conditional uses. A proposed ordinance would add child development homes as defined by 411 IAC 110.1 (237A) to be allowed with a conditional use permit in R-1 zoned districts. The ordinance also adds conditional use in districts zoned C-1 for child development homes and child care centers. Darrell Short, 629 Saratoga Ave., questioned where we are with the situation of the day care home located at 607 Saratoga. Brown explained that the new ordinance would allow a daycare to operate in an R-1 district with a conditional use permit. The council will review and approve or deny any request for a permit. List explained that there are already a number of daycares operating in R-1 zoned properties, the situation with this particular daycare is that no one lives there. If granted, the conditional use permit will allow for the operation of child development homes, restricted to a maximum of 16 children. Brown feels this is a good compromise. As there were no other oral or written comments, the public hearing was closed at 7:09 p.m.

**Ordinance #700 Amending Provisions Pertaining to Conditional Uses in R-1 & C-1**

Motion by Miller, seconded by Brown to approve the 1<sup>st</sup> reading of Ordinance #700, an Ordinance Amending Provisions Pertaining to Conditional Uses in R-1 and C-1 Zoning Districts. Roll call was: AYES: All. NAYES: None.

**Ordinance #701 Amending Zoning Map**

Motion by Brown, seconded by Loughlin to approve the 2<sup>nd</sup> reading of Ordinance #701, an Ordinance Amending the Official Zoning Map to Re-Zone 26.78 Acres Along Industrial Road from M-1 Light Industrial to R-2 Multiple Family Residential. Roll call was: AYES: Loughlin, Johnson, Brown. NAYES: Miller.

**Resolution #2021-41 Transferring Funds**

Motion by Brown, seconded by Miller to adopt Resolution #2021-41, a Resolution Authorizing the transfer of funds for FY2021-22. These are scheduled transfers that are included in the FY22 budget, but must be approved by resolution. Roll call was: AYES: All. NAYES: None.

**Ordinance #702 Amending Provisions Pertaining to Fire Dept. Election of Officers**

List reported that currently the volunteer fire dept. elects a part-time chief. With the recent opening of a full-time driver position, city staff, a council representative and members of the volunteer fire department have been in discussion to change one of the full-time driver's position to that of a full-time fire chief. Their proposal is that a hiring committee consisting of the city administrator, two council members and three fire dept. volunteers annually recommend to the council the individual for appointment. The council will then approve the appointment of the full-time chief. Motion by Brown, seconded by Miller to approve the 1<sup>st</sup> reading of Ordinance #702, an Ordinance Amending Provisions Pertaining to Fire Dept. Election of Officers. Roll call was: AYES: All. NAYES: None

**Consent Agenda**

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

City Council Minutes of June 22, 2021.

June Police Report.

Class C Liquor Outdoor Service Permit (during RAGBRAI) for Mud on Main LLC

Class B Native Wine Permit – Jane's Salon

Pay Application #6 – Magnetic Park Trail

Change Order #4 – Sanitary Sewer Collection Project Phase 2

June Treasurer's Report and Receipts as follows: General \$114,904.98; Police Forfeiture \$315.49; County Library \$3,500.91; Road Use \$68,289.35; Employee Benefits \$9,684.82; Emergency \$485.44; Other Street Monies/Local Option Sales Tax \$56,116.77; Hotel/Motel Tax \$10.97; Tax Increment Financing \$0; Wilson School Reserve \$0; Revolving Loan \$.17; Library Memorial \$211.88; Park & Rec Capital Improvement \$8,439.80; Cemetery Special Care \$.22; Debt Service \$354,889.04; 2016 Capital Projects \$0; Floods of 2018/19 \$10,297.50; S. 5<sup>th</sup> Street Improvement Project \$0; Emergency Set-Aside \$44,155.12; Oak Hill Perpetual Care \$533.56; Water Utility \$74,363.66; Water Utility – Industrial \$3.96; Water Main Project Bond & Interest \$5,273.00; Water System Maintenance \$9,794.56; Sewer Utility \$128,649.87; Sewer Facility Bond & Interest \$34,006.00; Sewer System Maintenance \$9,184.57; CDBG Sanitary Sewer

\$226,175.00; Aviation Authority \$269.64; Solid Waste \$32,581.55; Landfill \$30,519.03; Storm Sewer Utility \$6,951.24; Self-Insurance \$9.47; Police Dept. Special Acct. \$.92.

Bills totaling \$416,757.29

ACCO	POOL CHEMICALS	\$4,180.55
ADDISYN JENSEN	REIMBURSE LIFEGUARD COURSE	\$300.00
AHLERS & COONEY P.C.	URBAN REVIT PLAN	\$129.00
ALLIANT ENERGY	NATURAL GAS	\$445.39
ALYSSA A. HERBOLD PLC.	6/21 LEGAL SERVICE	\$1,015.00
AMERICAN TEST CENTER	TEST & INSPECTION	\$1,265.00
ANDY TODD	SHIRTS	\$71.00
AURELIA LUMBER COMPANY	RAGBRAI BARRACADE MATERIALS	\$257.14
BAKER & TAYLOR INC.	BOOKS	\$769.76
BECK ENGINEERING, INC.	WATER MAIN EXTENSION PROJECT	\$250.00
BECK ENGINEERING, INC.	ROOSEVELT AVE. RECONSTRUCTION	\$8,076.00
BECK ENGINEERING, INC.	FEMA-WESCOTT PARK RELOCATION	\$312.50
BECK ENGINEERING, INC.	EUCLID AVE. RECONSTRUCTION	\$7,170.00
BECK ENGINEERING, INC.	HYW 59 STORM SEWER & SIDEWALK	\$8,446.25
BLAINE'S WATER CONDITIONING	RENTALS, WATER, SOFTNER SALT	\$423.55
BOMGAARS	OPERATING SUPPLIES	\$3,206.46
BRAD'S TIRE SERVICE	2021 BADBOY RENEGADE MOWER	\$4,500.00
BUILDERS SHARP. & SERVICE	CHAINSAW REPAIRS	\$462.18
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$895.48
CHAMPION ELECTRIC, INC.	REPLACE WILLOW & 59 TRAFFIC LIGHT	\$20,362.00
CHEM-SULT, INC.	PHOSPHATE	\$2,051.20
CHEROKEE AREA ECONOMIC	FY22 ANNUAL CONTRIBUTION	\$16,808.00
CHEROKEE CO. SOLID WASTE	6/21 ASSESSMENT	\$29,688.51
CHEROKEE COMMUNITY FOUNDATION	TRAILS & HISTORIC PRESERVATION FUNDING	\$101,000.00
CHEROKEE REGIONAL MEDICAL CENTER	FY22 WELLNESS CENTER SUPPORT	\$5,000.00
CHEROKEE REGIONAL MEDICAL CENTER	PRE EMPLOYMENT SCREENINGS	\$519.00
CHESTERMAN COMPANY	POP FOR CONCESSIONS	\$360.00
CHRONICLE TIMES	6/21 LEGAL PUBLICATIONS	\$641.03
COMES INVESTMENTS (PIZZA HUT)	PIZZA FOR CONCESSIONS	\$34.46
CORE-MARK MIDCONTINENT, INC	POOL CONCESSIONS	\$4,024.40
COUNSEL	COPY OVERAGE	\$91.84
COUNTRY TIRE & SERVICE	REPAIRS & OIL CHANGES	\$1,479.67
COVENANT SECURITY EQUIPMENT	UTILITY DROP BOX	\$3,300.00
CREATIVE SERVICES	STOP WATCH & PLAQUE	\$57.99
DAVE ZELLE	TENNIS CAMP	\$350.00
DEMCO, INC.	OFFICE SUPPLIES	\$289.19
DIAMOND VOGEL PAINTS	BLUE PAINT	\$158.30
DUANE MUMMERT	7/21 CELL PHONE REIMBURSEMENT	\$35.00
ERIC LIST	7/21 CELL PHONE REIMBURSEMENT	\$50.00
ERIN RYDREN	DVD'S & SUMMER READING PROGRAM	\$69.22
FELD FIRE	VEHICLE BRACKETS	\$152.00
FIRST COOPERATIVE ASSOC.	FUEL & CHEMICALS	\$2,718.83
FOUNDATION ANALYTICAL LAB	WATER & WASTEWATER SAMPLES	\$444.00
GEORGE SCHMIDT	7/21 CELL PHONE & BOOT REIMBURSEMENT	\$158.05
GLENDA PARRISH	FLOWERS FOR SPRING LAKE	\$38.50
GM TECHNOLOGY SOLUTIONS	CAMERAS AT GILLETTE PARK/POOL	\$2,542.34
GRAHAM TIRE & AUTOMOTIVE	TIRES	\$940.56
GREG EATON, FIRE CHIEF	VOLUNTEER FIREMAN PAYROLL	\$1,460.00

HACH CO.	LAB SUPPLIES	\$660.05
HALLETT MATERIALS	BOULDERS & HIGH PERF. COLD MIX	\$1,298.46
HEARTLAND BACKFLOW INC.	BACKFLOW TESTING	\$1,211.71
HEIMAN FIRE EQUIPMENT	HOSE TRAY	\$538.00
HOLZHAUER MOTORS, LTD.	2021 CHEVY SILVERADO	\$32,154.00
HY-VEE, INC.	POOL SUPPLIES	\$79.18
I & S GROUP, INC.	CENTRAL ST. SANITARY SEWER	\$11,781.92
I & S GROUP, INC.	NUTRIENT REDUCTION IMPROVEMENT	\$9,516.50
IOWA DEPT. OF NATURAL RESOURCES	ANNUAL WATER SUPPLY FEE	\$602.04
IOWA LEAGUE OF CITIES	FY22 MEMBER DUES	\$2,809.00
IOWA ONE CALL	LOCATES	\$88.20
JACK'S UNIFORMS & EQUIPMENT	PD UNIFORMS	\$1,715.50
JAMIE HODGDON	7/21 CELL PHONE REIMBURSEMENT	\$35.00
JANITOR'S CLOSET, LTD.	TOILET PAPER	\$281.24
JEBRO, INC.	CRS-2	\$2,332.50
JJSS, LLC	PUMP SPRING LAKE LIFT STATION	\$242.50
KOOL SNACKS SUPER CITY DOT	DIPPIN DOTS	\$907.20
LEAF	COPIER LEASES	\$319.01
LUKE GRAVENISH	7/21 CELL PHONE REIMBURSEMENT	\$50.00
MALLISON & WALDNER LLC	SEEDING	\$150.00
MARTIN MARIETTA MATERIALS	ROCK	\$1,292.22
MEDIACOM LLC	INTERNET	\$821.30
MID AMERICAN ENERGY	ELECTRICITY	\$2,371.99
MID-AMERICAN BENEFITS, INC	7/21 HRA ADMIN & FLEX FEES & CLAIMS	\$2,446.86
MIDWEST TECHNOLOGY SERVICE	CAMERAS AT GILLETTE PARK/POOL	\$7,457.66
MOTION PICTURE LICENSING	MOVIE LICENSE	\$131.58
MOTOR PARTS SALES	GLOVES	\$104.97
MUNICIPAL SUPPLY, INC.	WATER METERS	\$858.00
MUNICIPAL EMERGENCY SERVICE	SCBA TESTING	\$1,113.20
NATE JAMES	7/21 CELL PHONE REIMBURSEMENT	\$50.00
NELSON'S LOCKSMITH SHOP	LOCKS AT POOL	\$845.00
NOGGIN WATER	COOLER RENT & WATER	\$46.25
NORTHWEST IOWA LEAGUE OF CITIES	LEAGUE MEETING	\$15.00
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$726.98
PENGUIN MANAGEMENT, INC.	FY22 EDISPATCH	\$1,548.00
PERSPECTIVE INSURANCE	POLLUTION POLICY	\$656.50
PLUNKETT'S PEST CONTROL	FY22 PEST CONTROL	\$459.67
POWER SOLUTIONS	GENERATOR MAINTENANCE 2021	\$1,009.90
R.J. THOMAS MFG. CO., INC.	POOL SIGNS	\$518.30
RECREONICS, INC.	DIVING BOARD PARTS	\$242.44
SANITARY SERVICES	6/21 GARBAGE PICK UP	\$29,287.80
SCE, LLC	HWY 59 WATER LEAK, DIG GRAVE	\$3,385.00
SCE, LLC	CLEAN UP, GRETA ST. OUTLET	\$6,700.00
SCHUMACHER ELEVATOR CO.	ELEVATOR MAINTENANCE	\$1,720.51
SIMMERING-CORY, INC.	WWTP SURVEY	\$4,800.00
SIMPCO	FY 21/22 MEMBER DUES	\$4,977.70
SIOUX SALES COMPANY	UNIFORM	\$99.80
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$105.00
SYNCHRONY BANK/AMAZON	BOOKS	\$202.55
THE BOOK VINE	BOOKS	\$204.82
THE DES MOINES REGISTER	SUBSCRIPTION RENEWAL	\$336.03

TODD LARSEN	7/21 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	7/21 CELL PHONE & BOOT REIMBURSEMENT	\$185.00
TOM MUMMERT & SON CONSTRUCTION	COMMUNITY CENTER STEPS	\$5,517.00
TREASURER, STATE OF IOWA	SALES & WET TAX	\$8,229.00
U.S. BANK	MISC. CHARGES	\$2,495.05
USPS	UTILITY BILL POSTAGE	\$328.35
UTILITY EQUIPMENT COMPANY	WATER SUPPLIES	\$245.21
VERIZON WIRELESS	CELL PHONES & HOT SPOTS	\$414.97
WELLS FARGO FINANCIAL LEASE	COPIER CONTRACTS	\$207.00
WESTERN IOWA TECH COMMUNITY	CHEROKEE COUNTY PROMISE PLEDGE	\$10,000.00
WEX BANK	FUEL	\$4,346.39
WIESE OIL & SUPPLY CO., LT	PARK FUEL	\$839.07
WINDSTREAM	TELEPHONE	\$316.75
WOODALL ELECTRIC	SEWER PLANT & POOL REPAIRS	\$4,889.50
YOUR FLEETCARD PROGRAM	PARK FUEL	\$402.61

### **City Hall Parking Lot Bids**

Two bids were received for the resurfacing of the north portion of the city hall parking lot, including installing an ADA ramp, new curb and gutter and installing posts and a new utility drop box as follows: Benson Construction - \$21,700; Tom Mummert & Son Construction - \$28,740. Motion by Loughlin, seconded by Miller to accept the low bid of Benson Construction. Roll call was: AYES: All. NAYES: None.

### **Iowa Highway-Railroad Grade Program Grant Award**

List reported that in 2016 the council passed a resolution authorizing the application and 20% match necessary for railroad crossing surface and sidewalk replacement at the W. Cedar, W. Willow and W. Elm St. crossings. The city's match will be approximately \$112,600. The city received notice recently that the three crossings are scheduled for funding for replacement in 2023. Motion by Brown, seconded by Miller to affirm the prior resolution confirming the city's participation. Roll call was: AYES: All. NAYES: None.

### **Adjournment**

On a motion by Miller, seconded by Brown, the meeting was adjourned at 7:22 p.m.

Media Present: *None*

Craig Schmidt,  
Mayor

ATTEST:  
Diane Cargin,  
City Clerk-Treasurer