

**CITY COUNCIL MINUTES
TUESDAY, OCTOBER 10, 2017, 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, Pingel, City Administrator Kooiker, City Attorney Herbold and City Clerk-Treasurer Cargin.

Downtown Façade Project

Motion by Pingel, seconded by Miller to approve the Certificate of Substantial Completion for the Main Street Façade Rehabilitation Project. Roll call was: AYES: All. NAYES: None.

Change Order for 100 E. Main St.

Motion by Agnitsch, seconded by Johnson, approved a change order for the property at 100 E. Main St., Rasmus Realty in the amount of approximately \$1200 for a door sweep as part of the Downtown Façade Project. Roll call was: AYES: All. NAYES: None.

Repair at 201 W. Main Downtown Façade Project

Motion by Brown, seconded by Pingel, approved authorizing Cherokee County Industrial Corp. at 201 W. Main to do their own repair to the façade of their building and tabled the change order. Roll call was: AYES: All; NAYES: None.

Public Hearing - Fountain House Trail Expansion Project

At 7:05 p.m. Mayor Murphy opened a Public Hearing on a Resolution to Purchase Real Estate for the Fountain House Trail Expansion Project, consisting of 55 acres of land to be purchased from Ton and Phyllis Jenness. The Iowa Natural Heritage Foundation has extended an offer to purchase the Jenness property subject to approval of the City. INHF will hold title to the property until the purchase price of \$250,000 is raised, at that time the City will acquire the property. As there were no oral or written comments, the Public Hearing was closed at 7:05 p.m.

Resolution 17-57 to Purchase Real Property to Expand Public Trails System

Motion by Brown, seconded by Agnitsch, adopted Resolution #17-57, a Resolution to Purchase Real Property from the Iowa Heritage Foundation to expand the Public Trails System. Roll call was: AYES: All. NAYES: None.

Resolution #17-58 Establishing Public Purpose for “De Minimis” Expenses

Motion by Pingel, seconded by Miller, adopted Resolution #17-58, a Resolution Establishing the Public Purpose for DeMinimis Expenses. Roll call was: AYES: All; NAYES: None.

Resolution #17-59 Agreement with Cherokee State Bank

Motion by Miller, seconded by Brown, adopted Resolution #17-59, a Resolution Authorizing a Signed Agreement with Cherokee State Bank to Allow for City Facilities Use in the Event of an Emergency. Roll call was: AYES: All. NAYES: None.

Consent Agenda

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

City Council Minutes of September 26, 2017

Hotel/Motel Tax Advisory Board minutes of Sept. 22

Parks & Rec Advisory Board minutes of Oct. 2

Planning & Zoning Commission minutes of Oct. 3

Tax Abatement Application for 1752 Hwy. 3

Tax Abatement Application for 846 Aster Dr.

September Treasurer's Report and Receipts as follows: General \$160,769.23; Police Forfeiture \$422.93; County Library \$3501.47; Road Use \$74,108.73; Employee Benefits \$71,016.57; Emergency \$3908.57; Local Option Sales Tax \$44,553.95; Hotel/Motel Tax \$31.00; Tax Increment Financing \$0; Revolving Loan \$29.96; Library Memorial \$127,809.53; Park & Rec Capital Improvement \$1421.75; Cemetery Special Care \$14.72; Debt Service \$34,867.83; Road Use Equipment \$0; CDBG Storefront Project \$20,000.00; FEMA Flood Buyout Program \$0; 2016 Capital Projects \$446.69; Emergency Set-Aside \$18.09; Oak Hill Perpetual Care \$150.00; Water Utility \$64,717.42; Water Utility – Industrial \$40.37; South Water Main Extension Project \$0; Water Main Project Bond & Interest \$4,993.75; Water System Maintenance \$9,341.94; Sewer Utility \$88,456.03; Sewer Utility – Industrial \$28.93; Sewer Facility Bond & Interest \$30,500.50; Sewer System Maintenance \$8,492.45; CDBG Sanitary Sewer \$0; Aviation Authority \$2,171.43; Solid Waste \$26,629.35; Landfill \$28,479.93; Storm Sewer Utility - \$6,627.14; Self-Insurance \$27.00; Police Dept. Special Acct. \$0.54

Bills totaling \$572,201.47

AHLERS & COONEY P.C.	WILSON SCHOOL NUISANCE	\$2,720.00
ALLIANT ENERGY	GAS	\$180.91
ALPHA WIRELESS	FIRMWARE UPGRADES	\$1,050.00
ALYSSA A. HERBOLD PLC.	9/17 LEGAL SERVICE	\$2,889.00
ALYSSA A. HERBOLD PLC.	9/17 WILSON SCHOOL NUISANCE	\$1,366.93
AMERICAN AQUATIC TESTING	YEARLY TESTING	\$975.00
ARMOND RIDER	10/17 CELL PHONE REIMB.	\$50.00
BIERSCHBACH EQUIPMENT	DUO-SCREED UNIT, MILL HOSE	\$2,398.70
BLAINE'S WATER COND.	COOLER RENT & WATER	\$35.00
BLOOMING HOUSE	SOYBEAN MULCH	\$15.98
BOMGAARS	OPEARTING SUPPLIES	\$1,073.50
BUGH WELDING	VALVE KEY, MANHOLE COVER TOOL	\$211.40
BUILDERS SHARP. & SERVICE	BLADE KIT, FUEL & OIL FILTER	\$535.85
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$634.58
CARUS CORPORATION	CAIROX FF, CALCIQUEST LIQUID	\$2,271.25
CERTIFIED TESTING SERVICES	STREET PROJECT TESTING	\$355.00
CHARLENE CARLSON	MILEAGE	\$69.77
CHEROKEE AUTO PARTS	OIL & CLEANER	\$68.15
CHEROKEE CO. SOLID WASTE	GREENSPACE GARAGE, 9/17 MO CHG	\$29,755.29
CHEROKEE CO. SOLID WASTE	5 FEMA HOUSES	\$6,111.26
CHEROKEE COUNTY SHERIFF	SERVE PAPERS TO D & T POINTON	\$68.69
CHLORINATORS INCORPORATED	SERVICE SMARTVALVE	\$1,221.20
CHRONICLE TIMES	LEGAL PUBLICATIONS	\$533.42

COUNSEL	COPY CONTRACT & OVERAGE	\$173.53
COUNTRY TIRE & SERVICE	REPAIR TIRE	\$22.33
CREATIVE SERVICES	SOFTBALL CHAMP SHIRTS	\$164.67
DEMCO, INC.	OFFICE SUPPLIES	\$158.63
DUANE MUMMERT	10/17 CELL PHONE REIMBURSE	\$35.00
FAREWAY STORES, INC.	CANDY FOR PARADE	\$17.98
FASTENAL COMPANY	NUTS & BOLTS	\$61.41
FIREICE FIREARMS LLC	TRAIL CAMERAS	\$285.98
FOUNDATION ANALYTICAL LAB	WASTEWATER TESTING	\$121.00
GCC ALLIANCE CONCRETE INC.	IDOT M-4 LS & HAULING	\$825.50
GEORGE SCHMIDT	10/17 CELL PHONE REIMB.	\$35.00
GM CONTRACTING, INC.	SOUTH SIDE WATER MAIN EXT.	\$32,278.81
GPM	CALIBRATE FLOW DEVICES	\$465.00
GREG EATON, FIRE CHIEF	FIREMAN PAYROLL	\$415.00
GRIT	SUBSCRIPTION RENEWAL	\$16.95
GROUP RESOURCES/THREE RIVERS	CLAIMS TO 9/27/17, FLEX PLAN	\$851.07
HACH CO.	KTO CHEMKEY	\$432.00
HOLZHAUER MOTORS, LTD.	FIX A/C	\$296.36
ICON	OIL FILTERS & FILTER ELEMENTS	\$112.62
IOWA PRISON INDUSTRIES	STREET SIGNS	\$232.77
JIM AGNITSCH	MILEAGE & MEALS-LEAGUE MTG.	\$434.48
JOHN MEIS	SIMPCO TAC MEETING	\$206.75
KATHY WILSON	FASHIONS TO DIE FOR PROGRAM	\$200.00
LETSCH BIKE/RADIO SHACK	USB DRIVE	\$53.98
MATHESON TRI-GAS, INC.	WELDER TIPS, GRINDING WHEEL	\$103.37
MENARDS-SPENCER	BROOM, TOWELS, COUPLINGS	\$38.23
MERIDIAN	FUEL TANK	\$1,550.00
MID AMERICAN ENERGY	ELECTRICITY	\$1,599.11
MODERN HEATING & COOLING	STREET SHED HEATER	\$3,437.15
NATE JAMES	10/17 CELL PHONE REIMBURSEMENT	\$50.00
NORTHWEST IA LEAGUE OF CITIES	LEAGUE OF CITIES MEETING & MEAL	\$15.00
ONE OFFICE SOLUTION	PAPER	\$70.00
PETTY CASH - LIBRARY	FAREWAY, PUMPKINS, DECALS	\$220.79
PILOT ROCK SIGNS	FLAG FOOTBALL BANNERS	\$170.00
POWERPLAN	JD PARTS	\$282.85
REHAB SYSTEMS, INC.	PLEASANT VIEW JET CLEANING	\$375.00
RENAISSANCE RESTORATION INC	CDBG STOREFRONT PROJECT	\$47,308.52
ROSENBAUER SOUTH DAKOTA	LADDER TRUCK CHASIS	\$261,222.00
SAM KOOIKER	10/17 CELL PHONE REIMB.	\$50.00
SANITARY SERVICES	8/17 AND 9/17 GARBAGE PICK UP	\$50,636.55
SCE, LLC	FEMA DEMOS X 8	\$81,277.84
SCE, LLC	311 S. 8TH CURB STOP, DIG GRAVE	\$2,075.73
SHARE CORPORATION	PEA PODS & TAGS	\$181.05
SIMMERING-CORY, INC.	FEMA GRANT ADMINISTRATION	\$1,100.00
SIOUX COMMERCIAL SWEEPING	CRACK SEALING STREETS	\$10,000.00
STEVE'S WINDOW SERVICE	CLEAN LIBRARY WINDOWS	\$90.00

STREICHER'S	GAS MASK & FILTER	\$539.00
TAWNEY CASTLE	UTILITY BILL REFUND	\$33.49
THE BOOK VINE	BOOKS	\$134.36
TODD LARSEN	10/17 CELL PHONE REIMB.	\$35.00
TODD MILLER	10/17 CELL PHONE REIMB.	\$35.00
TOMETICH ENGINEERING	WILSON SCHOOL DEMO	\$1,656.00
TREASURER, STATE OF IOWA	SEPT QTRLY SALES TAX	\$5,172.00
UNITED PARCEL SERVICE	MAIL PACKAGE-SEWER	\$259.92
UNITED STATES CELLULAR	CELL PHONE	\$242.76
USPS	UTILITY BILL POSTAGE	\$316.39
VALLEY VETERINARY CENTER	MEDS FOR K-9	\$287.96
VERIZON WIRELESS	HOT SPOTS & IPAD	\$859.11
WALDNER'S LAWN SERVICE	LAWN MOWING	\$90.00
WELLS FARGO VENDOR FIN SERVICE	BOBCAT TOOLCAT PAYMENT	\$1,841.69
WEX BANK	FUEL	\$3,357.71
WIESE OIL & SUPPLY CO., LT	FUEL	\$332.61
WINDSTREAM	TELEPHONE	\$542.59
WOODALL ELECTRIC	SWIMMING POOL REPAIRS	\$1,711.25
YOUR FLEETCARD PROGRAM	PARK FUEL	\$256.84
ZACH FREKING-SMITH	MILEAGE, DVD'S	\$156.90

100 E. Main St. – Condition of Back Wall

Motion by Miller, seconded by Brown retroactively approved a dangerous building notice sent to Kurt and Joyce Rasmus for 100 E. Main St. regarding the condition of their back wall. The alley adjacent to the back wall has been closed by recommendation of the city's structural engineer. Roll call was: AYES: All. NAYES: None.

Resolution 17-60 Notice to Abate

Motion by Brown, seconded by Agnitsch to adopt Resolution #17-60, a Resolution Declaring a Dangerous Building and Order concerning 100 E. Main St. Roll call was: AYES: All. NAYES: None.

Review of Quotes and Award of Contract – 100 E. Main St.

Two quotes were received for repair to the back wall of the building at 100 E. Main as follows: Rock Solid Masonry Midwest LLC, Spirit Lake IA \$23,140.00; Brentwood Construction, Cherokee \$24,990.00. For electrical work two quotes were received as follows: Champion Electric \$489.00; Woodall Electric \$1,399.00. Motion by Brown, seconded by Pingel awarded the low quotes of Rock Solid Masonry and Champion Electric. Roll call was: AYES: Brown, Johnson, Miller, Pingel. NAYES: None. ABSTAINING: Agnitsch (relative's spouse is employed by Rock Solid Masonry). Kooiker asked Kurt and Joyce Rasmus if they were supportive of the city proceeding with an assessment against the property for charges incurred for the repair, to be paid with general property taxes with a length of time and interest rate to be determined. The Rasmus' stated they are agreeable.

Resolution 17-61 Accepting Construction Easements – 123 E. Main

An owner of the building at 123 E. Main St., Tammy Pointon, joined the meeting by telephone. Kooiker asked Ms. Pointon if she had any comments on the city's pending action

regarding this dangerous building situation. Ms. Pointon explained that she and her husband do not have the funds to make repairs to the building and her husband cannot work on it due to a broken back. Kooiker asked that her comments be entered into the record. Motion by Brown, seconded by Pingel, adopted Resolution #17-61, a Resolution Accepting Temporary Construction and Access Easements from adjoining property owners for nuisance abatement at 123 E. Main St. Roll call was: AYES: All. NAYES: None.

Resolution 17-62 Order to Abate – 123 E. Main

Motion by Pingel, seconded by Agnitsch adopted Resolution #17-62, a Dangerous Building Resolution and Order Concerning 123 E. Main St. Roll call was: AYES: All. NAYES: None.

Review of Quotes and Award of Contract – 123 E. Main

Two quotes were received for the demolition of the structure at 123 E. Main St as follows: SCE, LLC, Cherokee \$46,500; Kellen Excavating, LeMars IA \$69,000. Bids do not include landfill charges, asbestos abatement and fill dirt. The quote from Kellen Excavating stated that the basement walls will be removed to only 2' – 3' below ground level to protect neighbors' basement walls and footings. Armond Rider, Public Works Director commented that SCE's owner, Cory Bouchard, advised he will do the same. Rider also reported that he has coordinated with Greg Eaton, Fire Chief, for a water supply to be applied during the demolition process to mitigate dust and water costs will be charged to the property owner. Armond said that asbestos removal will be done beginning the week of October 23 and will take about a week, with demolition possibly starting on October 30. Kooiker explained the charges to Ms. Pointon and stated that her husband and herself as owners of the building are responsible for all charges incurred with the demolition of this unsafe structure. Ms. Pointon replied that there is no way they can afford this. Kooiker noted her reply and stated that unpaid charges will be assessed as a lien against the property. Motion by Brown, seconded by Miller to accept the low bid of \$46,500 from SCE, LLC. Roll call was: AYES: All. NAYES: None.

Action on Board of Adjustment Recommendation

Motion by Miller, seconded by Johnson upheld the Board of Adjustment's recommendation approving a variance for a larger sign for the Prairie Wind Apts. at 201 S. 6th St., with the following stipulations: the sign will not be lit, the sign will include the address number and the applicant will obtain a sign permit. Roll call was: AYES: All. NAYES: None.

Former Wilson School Building

Kooiker stated that the structural report from Jim Tomitich on the condition of the former Wilson school building at 100 E. Willow St. is in the council packet and also available for public viewing on the city's website. He asked that the record reflect that he did receive a message from Katie Morgan, attorney for Rick and Karen Swain, that the Swain's agree to continue the Public Hearing on this matter indefinitely. Kooiker then gave the public an opportunity to speak on this matter. No one present spoke other than Karen Swain who stated that they are trying to work something out.

Executive Session – Litigation Strategy

On a motion by Pingel, seconded by Brown, the council went into executive session at 7:28

p.m. to discuss litigation strategy pursuant to Iowa Code Chapter 21.5(1)(c). Roll call was: AYES: Agnitsch, Johnson, Brown, Miller, Pingel. NAYES: None.

On a motion by Agnitsch, seconded by Johnson, the council returned to regular session at 7:55 p.m. Roll call was: AYES: Miller, Johnson, Agnitsch, Pingel, Brown. NAYES: None.

Brown made a motion to approve the development of the selective demolition bid specifications per the discussion in executive session and authorized the City Attorney and staff to proceed as needed regarding prosecution of existing nuisances. Johnson seconded the motion. Roll call was: AYES: Brown, Johnson, Pingel, Miller, Agnitsch. NAYES: None.

Motion by Johnson, seconded by Agnitsch, to postpone the Public Hearing on this item indefinitely. Roll call was: AYES: All. NAYES: None

Adjournment

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

Media Present: Nikki Thunder, *KCHE Radio*

Mark Murphy, Mayor

ATTEST:

Diane Cargin
City Clerk Treasurer