

**CITY COUNCIL MINUTES
TUESDAY, OCTOBER 9, 2018, 7:00 P.M.
CHEROKEE CITY HALL**

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

Approve Agenda

Motion by Brown, seconded by Johnson to approve the agenda with the clarification that Item 1.01 includes Resolution #2018-76 Resolution Setting Public Hearing. Roll call was: AYES: All. NAYES: None.

Resolution 2018-76 Setting Public Hearing for Termination of Easement

Rich Cook on behalf of the Joanne Lundquist family is requesting termination of a road easement near 990 N. 11th St. The city has no plans to develop a road there, and Herbold commented that there is no mention of any development in the City's Comprehensive Plan. The neighboring property owner's septic system may encroach onto this land. Motion by Miller, seconded by Agnitsch adopted Resolution 2018-76, a Resolution Setting a Public Hearing on the Termination of Right of Way Easement for Tuesday, October 23, 2018, at 7 p.m. at City Hall. Roll call was: AYES: All. NAYES: None.

Ordinance #668 Amending Property Maintenance Provisions

Motion by Agnitsch, seconded by Brown approved the first reading of Ordinance #668, an Ordinance Amending Property Maintenance Provisions. Roll call was: AYES: All. NAYES: None.

Public Hearing on Proposed Foundation Urban Renewal

At 7:09 p.m. Mayor Pro-Tem Pingel opened the Public Hearing on the matter of the adoption of the proposed Foundation Urban Renewal Plan. Pingel first asked Kooiker for his report on the consultation held with the affected taxing entities to discuss the proposed Plan. Kooiker informed the council that the consultation was duly held as ordered by the council and that no written recommendations were received from affected taxing entities. The report with respect to the consultation has been placed on file for consideration by the council. Kooiker also informed the council that the proposed Plan had been approved by the Planning & Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes of the Commission. The minutes have been placed on file for consideration by the council. The Mayor Pro-Tem then asked the City Clerk whether any written objections had been filed with respect to the proposed Plan, and the City Clerk reported that no written objections have been received. The Mayor Pro-Tem then called for any oral objections to the adoption of the Foundation Urban Renewal Plan and none were made. The Public Hearing was then closed at 7:12 p.m.

Resolution 2018-71 Foundation Urban Renewal Area

Councilmember Brown introduced Resolution 2018-71, a Resolution Determining an Area of the City to be an Economic Development Area, and that the Rehabilitation, Conservation,

Redevelopment, Development, or a Combination Thereof of Such Area is Necessary in the Interest of the Public Health, Safety of Welfare of the Residents of the City; Designating Such Area as Appropriate for Urban Renewal Projects; and Adopting the Foundation Urban Renewal Plan and moved that the Resolution be adopted. Miller seconded by motion. Roll call was: AYES: Brown, Miller, Johnson, Agnitsch, Pingel. NAYES: None.

Ordinance #669 Division of Revenues

Councilmember Miller introduced Ordinance #669, an Ordinance Providing that General Property Taxes Levied and Collected Each Year on Certain Property Located Within the Foundation Urban Renewal Area, in the City of Cherokee, County of Cherokee, State of Iowa, By And For the Benefit of the State of Iowa, City of Cherokee, County of Cherokee, Cherokee Community School District, and Other Taxing Districts, Be Paid to A Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by the City in Connection with the Foundation Urban Renewal Area and moved to approve the first reading of the Ordinance and waive the second and third readings. Brown seconded the motion. Roll call was: AYES: Johnson, Pingel, Miller, Agnitsch, Brown. NAYES: None.

Public Hearing to Enter Into Development Agreement with Foundation Holdings, LLC

At 7:15 p.m., Mayor Pro-Tem Pingel opened the Public Hearing on the matter of the proposal to approve and authorize execution of a Development Agreement by and between the City of Cherokee and Foundation Holdings, LLC, and that notice of the proposed action by the council to enter into said Agreement had been published pursuant to the provisions of Section 364.6 of the Code of Iowa. The Mayor Pro-Tem asked the Clerk whether any written objections had been filed by any City resident or property owner to the proposed action. The Clerk advised that no written objections had been filed. The Mayor Pro-Tem then called for oral objections and none were made. The Mayor Pro-Tem declared the Public Hearing closed at 7:16 p.m.

Resolution 2018-72 Approving and Authorizing Development Agreement

Councilmember Agnitsch introduced Resolution 2018-72, a Resolution Approving and Authorizing Execution of a Development Agreement by and between the City of Cherokee and Foundation Holdings, LLC, and moved that the Resolution be adopted. Councilmember Johnson seconded the motions. Roll call was: AYES: Miller, Brown, Johnson, Agnitsch, Pingel. NAYES: None.

Resolution 2018-73 Approving Easement

Motion by Brown, seconded by Miller, adopted Resolution 2018-73, a Resolution Granting a Permanent Public Utility Easement and a Temporary Construction and Access Easement with Joanne Dawson. Roll call was: AYES: All. NAYES: None.

Resolution 2018-74 Approving Easement

Motion by Agnitsch, seconded by Brown, adopted Resolution 2018-74 a Resolution Approving a Permanent Public Utility Easement and Temporary Construction Access Easement for Lot 2 Foundation Analytical (723 Sleezer Road). Roll call was: AYES: All. NAYES: None.

Resolution 2018-75 Procurement Policy

Motion by Miller, seconded by Brown to adopt Resolution 2018-75, a Resolution Adopting Procurement Policy to Include Applicable Provisions for Federal Funding. Roll call was: AYES: All. NAYES: None.

Ordinance #670 Amending Bid and Quotation Limits

Motion by Brown, seconded by Miller to approve the first reading and waive the second and third readings of Ordinance #670, an Ordinance Amending the Bid and Quotation Limits. This Ordinance removed conflicting language in Section 7.09 of the Code. Roll call was: AYES: All. NAYES: None.

Consent Agenda

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

City Council Minutes of September 25, 2018.

Parks & Recreation Advisory Board minutes of October 1, 2018.

Planning & Zoning Commission minutes of October 2, 2018.

Class C Liquor License – Danny’s Sport Spot.

Class B Beer Permit – Godfather’s Pizza.

September Police Report

September Treasurer’s Report and Receipts as follows: General \$141,684.98; Police Forfeiture \$437.44; County Library \$3501.53; Road Use \$76,057.07; Employee Benefits \$60,780.79; Emergency \$3,556.72; Other Street Monies/Local Option Sales Tax \$50,834.45; Hotel/Motel Tax \$19.09; Wilson School Reserve \$0; Revolving Loan \$21.36; Library Memorial \$343.79; Park & Rec Capital Improvement \$2.33; Cemetery Special Care \$6.90; Debt Service \$34,808.16; Road Use Equipment \$0; CDBG Storefront Project \$0; 2016 Capital Projects \$0; Emergency Set-Aside \$9.06; Oak Hill Perpetual Care \$340.65; Water Utility \$58,346.39; Water Utility – Industrial \$23.75; Water Treatment Fac. Project \$0; Water Main Project Bond & Interest \$5,365.00; Water System Maintenance \$9,110.68; Sewer Utility \$82,726.20; Sewer Utility – Industrial \$26.61; Sewer Facility Bond & Interest \$31,241.50; Sewer System Maintenance \$8,443.21; Aviation Authority \$1976.02; Solid Waste \$26,613.26; Landfill \$28,444.53; Storm Sewer Utility - \$6,528.52; Self-Insurance \$26.14; Police Dept. Special Acct. \$.60

Bills totaling \$298,699.70

AHLERS & COONEY P.C.	FOUNDATION URA & DA	\$2,684.32
ALLIANT ENERGY	NATURAL GAS	\$206.91
ALYSSA A. HERBOLD PLC.	9/18 LEGAL SERVICE	\$3,253.50
AMERICAN AQUATIC TESTING	TOXICITY TEST	\$975.00
ARAMARK UNIFORM SERVICES	CLEAN RAGS & RUGS	\$62.79
ARMOND RIDER	10/18 CELL PHONE REIMBURSEMENT	\$50.00
ARTIST’S MAGAZINE	SUBSCRIPTION RENEWAL	\$49.95
ASPHALT PAVING ASSOCIATION	CONFERENCE REGISTRATION	\$295.00
ATIRA CREDIT MASTERCARD	FLAG FOOTBALL SUPPLIES	\$1,075.00
AURELIA LUMBER COMPANY	CEMETERY BLDG. SUPPLIES	\$145.30
BARCO MUNICIPAL PRODUCTS	EAR PLUGS	\$33.94
BECK ENGINEERING, INC.	FOUNDATION LAB SANITARY SEWER	\$1,315.00

BLACKTOP SERVICE CO.	2018 STREET IMPROVEMENTS	\$80,919.35
BLAINE'S WATER CONDITIONING	SALT, WATER & COOLER RENT	\$202.30
BOMGAARS	OPERATING SUPPLIES	\$3,110.96
BRAD'S TIRE SERVICE	2010 FORD REPAIRS	\$67.24
BROWN SUPPLY CO.	OPERATING SUPPLIES	\$1,562.08
BUGH WELDING	BOX FOR NEW TRUCK	\$92.00
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$622.67
CHAMPION ELECTRIC, INC.	REPAIR LIGHT FIXTURE C. CENTER	\$57.76
CHEROKEE CO. SOLID WASTE	9/18 ASSESSMENT, DISPOSAL	\$29,703.51
CHEROKEE COMMUNITY SCHOOL	HIGH JUMP MATS	\$100.00
CHEROKEE COUNTY RECORDER	RECORD JENNESS LEASE	\$62.00
CHEROKEE COUNTY SHERIFF	SERVE PAPERS-BEAZLEY	\$34.00
CHRONICLE TIMES	LEGAL PUBLICATIONS	\$705.75
CINTAS	FIRST AID SUPPLIES	\$56.78
CONTROL SYSTEM SPECIALISTS	FY19 SERVICE CONTRACT	\$1,527.82
COUNSEL	COPY CONTRACTS & OVERAGE	\$217.99
COURTNEY JOHNSON	SOCCER REF	\$140.00
CRAIG SCHMIDT	LODGING, MEALS, MILEAGE	\$437.62
DENNY'S SERVICE	FILTER	\$30.00
DES MOINES STAMP CO.	PD STAMPS	\$130.90
DUANE MUMMERT	10/18 CELL PHONE REIMBURSEMENT	\$35.00
FAREWAY STORES, INC.	PD OFFICE SUPPLIES	\$68.59
FASTENAL COMPANY	NUTS & BOLTS	\$26.23
FASTLANE MOTOR PARTS	SEALANT, CLEANER	\$56.95
FELD FIRE	FIRE EXTINGUISHERS	\$1,737.52
FIREICE FIREARMS LLC	TROLLING MOTOR	\$600.00
FOUNDATION ANALYTICAL LAB	WASTEWATER & WATER SAMPLES	\$312.75
GEORGE SCHMIDT	10/18 CELL PHONE REIMBURSEMENT	\$35.00
GET BRANDED 360	PD SUPPLIES	\$65.09
GRACE BALLOU	SOCCER REF	\$140.00
GREG EATON, FIRE CHIEF	VOLUNTEER FIREMAN PAYROLL	\$605.00
HACH CO.	LAB SUPPLIES	\$775.88
HALLETT MATERIALS	SINK HOLE ROCK, SAND	\$504.29
HILLYARD	BRUSH STRIP	\$18.80
HOLZHAUER MOTORS, LTD.	2019 DODGE RAM	\$25,371.00
HOLZHAUER MOTORS, LTD.	2018 RAM CREW CAP PICKUP	\$22,330.00
HOLZHAUER MOTORS, LTD.	VEHICLE ASSESORIES	\$1,350.00
HORSE ILLUSTRATED	SUBSCRIPTION RENEWAL	\$31.95
I. C. CHURCH	YACHT CLUB REFUND	\$75.00
IAWEA REGION 3	CONFERENCE REGISTRATION	\$40.00
IOWA COMM. ASSURANCE POOL	T. PEDERSEN RESTITUTION	\$100.00
IOWA D.O.T.	CALCIUM CHLORIDE FLAKE	\$4,984.65
JACK'S UNIFORMS & EQUIPMENT	PD CLOTHING	\$302.70
JAMIE HODGDON	10/18 CELL PHONE REIMBURSEMENT	\$35.00
JR'S SALES AND SERVICE	PARK DOOR REPAIRS	\$125.00

K & M TREE SERVICE	330 SUMNER MOWING	\$250.00
K-MART #9222	OPERATING SUPPLIES	\$122.15
KATLYNN BURCH	SOCCER REF	\$105.00
KOENIG PORTABLE TOILETS	SPOT A POT RENT	\$191.00
MARCUS LUMBER COMPANY	SHEETROCK CORNER	\$62.86
MARY BETH EHRIG	TRANSLATE CC/YC CONTRACTS	\$100.00
MASON HILL	SOCCER REF	\$50.00
MID AMERICAN ENERGY	ELECTRICITY	\$1,484.92
MID-AMERICAN BENEFITS, INC	CLAIMS THROUGH 10/3/18	\$563.01
MIKKI HINKHOUSE	SOCCER REF	\$140.00
MOTOR PARTS SALES	UTILITY BELT	\$7.64
MUNICIPAL SUPPLY, INC.	OPERATING SUPPLIES	\$3,316.00
NATE JAMES	10/18 CELL PHONE REIMB, SOCCER REF	\$65.00
NICOLE MC LAUGHLIN	SOCCER REF	\$70.00
O'HALLORAN INTERNATIONAL	PUMPER & TRUCK REPAIRS	\$943.38
O'REILLY AUTOMOTIVE STORES	OPERATING SUPPLIES	\$30.98
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$467.18
PETTY CASH - LIBRARY	POSTAGE, NEWSPAPERS	\$87.90
PILOT ROCK SIGNS	GRAPHICS FOR PD TRUCK	\$1,269.56
POWER SOLUTIONS	LIFT STATION GENERATOR	\$2,722.81
SAM KOOIKER	10/18 CELL PHONE REIMB, ICMA MEALS & LODGING	\$197.44
SANITARY SERVICES	9/18 GARBAGE PICK UP	\$25,178.10
SATURDAY EVENING POST	SUBSCRIPTION RENEWAL	\$26.94
SETH THILL	BOOT REIMBURSEMENT	\$150.00
SIOUXLAND SEEDS	GRASS SEED	\$1,050.00
SJE RHOMBUS	2ND QTR. SERVICE FLEX	\$5,845.09
STANDARD READY MIX	CONCRETE, BLOCK	\$16,767.25
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$116.00
STU HOGG	SOCCER REF	\$15.00
SYNCHRONY BANK/AMAZON	BOOKS	\$168.47
THE BOOK VINE	BOOKS	\$191.58
THE MOTHER HEN	FRAME-TREPTOW PROCLAMATION	\$52.30
THRASHER	CHERRY ST. REPAIRS	\$6,322.00
TIARRA EADES	UTILITY BILL REFUND	\$6.31
TODD LARSEN	10/18 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	10/18 CELL PHONE REIMBURSEMENT	\$35.00
TRAVIS SCHIPPER	FLAG FOOTBALL	\$500.00
TREASURER OF STATE OF IOWA	ATTORNEY FEES/LH/AG	\$233.76
TYLER EBEL	SOCCER REF	\$140.00
U.S. BANK EQUIPMENT FINANCE	COPY CONTRACT	\$89.94
USPS	UTILITY BILL POSTAGE	\$315.07
UTILITY EQUIPMENT COMPANY	OPERATING SUPPLIES	\$1,112.97
VALLEY GLASS & FRAMING	YACHT CLUB SCREENS	\$299.18
VERIZON WIRELESS	HOT SPOTS & CELL PHONE	\$427.53
VERMEER SALES & SERVICE INC	MASK	\$272.97

VOGEL TRAFFIC SERVICES	PAVEMENT PAINT	\$2,665.65
WEX BANK	FUEL	\$3,258.68
WIESE OIL & SUPPLY CO., LT	FUEL	\$3,994.81
WINDSTREAM	TELEPHONE	\$520.34
WINTHER, STAVE & CO., LLP	PROGRESS BILLING FY18 AUDIT	\$16,000.00
WOODALL ELECTRIC	SEWER PLANT REPAIRS	\$9,387.00
YOUR FLEETCARD PROGRAM	PARK FUEL	\$304.72
ZACH FREKING-SMITH	MILEAGE & DVD	\$58.27
ZOLL MEDICAL CORPORATION	AED FOR COMMUNITY CENTER	\$1,259.10

Award S. 5th St. Engineering Work

Brad Beck of Beck Engineering discussed the Surface Transportation Project (STP) federally funding reconstruction of 5th St. from W. Elm to S. 6th St. to take place in FY2020. The street will be narrowed slightly with a block of water main to be replaced on the north end and reconstruction of the sanitary sewer system. Design will take place over the winter months with the project to be bid in the fall of 2019. Motion by Agnitsch, seconded by Miller to award the engineering work for the project to Beck Engineering. Roll call was: AYES: All. NAYES: None.

CDBG Application for 2019 Sanitary Sewer Improvements

Armond Rider, Public Works Director, advised the Council of the on-going problems with the Euclid/Spruce St. sewer line. This is a bottleneck situation which is only going to worsen with the expansion of the CRMC facilities. Submitting an application for a CDBG grant is the first step in addressing this problem. Estimated project cost for installing a sewer interceptor line from Spruce St. down Central St. and across Hwy. 59 to remedy the situation is \$555,550. Of this amount, \$411,660 is projected to be eligible for grant funding. The City's estimated cost is \$349,720 based on a 50/50 cost share. Possible funding mechanisms to cover the City's cost share include securing a State Revolving Fund loan with a sewer rate increase to cover the loan payments or issuance of a G.O. bond with an increase in sewer rates to cover loan payments. At a November, 2017, meeting the Council awarded Simmering & Cory a contract for the CDBG grant writing and corresponding administrative services. Justin Yarosevich with Simmering & Cory stated that items need to be completed before a CDBG grant proposal can be submitted, which include a low to moderate income survey, development of a design plan and obtaining permits. The City can start the process of gathering information for the application and decide on the source of the matching funds later. There is a six-eight month lead time needed to ready a project for a SRF loan application. The CDBG application was being planned for FY2020-21 funding, however due to the recent floods and worsening of the situation Rider would like to see the work done as soon as possible. Brown stated he does not like to rush these types of projects but is in favor of proceeding with the LMI study, which is good for three years. Agnitsch feels the project needs to be ready to go and the planned improvements will solve a lot of sewer problems in that area, although he hates the idea of raising sewer rates. He favors getting the LMI study done, the funding decision can be made later on. Simmering & Cory will proceed with the LMI study.

Adjournment

On a motion by Brown, seconded by Miller, the meeting was adjourned at 7:38 p.m.

Media Present: None.

Wayne Pingel, Mayor Pro-Tem

ATTEST:

City Clerk Treasurer