

**CITY COUNCIL MINUTES
TUESDAY, NOVEMBER 14, 2017, 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 Murphy.

Additions to Agenda

4.07 Review October Treasurer's Report and 6.03 Executive Session – Litigation Strategy (closed pursuant to Iowa Code Section 21.5(1)(c)) were items added to the agenda.

Phipps Parkland Reversion

Motion by Miller, seconded by Johnson, to remove the easement requirement and authorize the final quit claim deed between the City and Virginia E. Phipps and the Nathan A. Phipps II Trust UW for the parcel known as the Phipps parkland. Roll call was: AYES: All. NAYES: None.

Resolution 2017-63 Tri County Combined Emergency Response

Police Chief Nate James explained Resolution 17-63, a Resolution Authorizing a Memorandum of Understanding and 28E Agreement Creating the Tri-County Combined Emergency Response Team (Tri-County CERT). This 28E agreement enables the police force to join forces with Sioux County, Plymouth County, the City of LeMars, and Cherokee County law enforcement personnel in the mobilization of a tactical special response team to be called up in high risk situations. One city police officer will participate. Motion by Miller, seconded by Johnson, to adopt Resolution 17-63. Roll call was: AYES: All. NAYES: None.

Resolution 2017-64 Declaring Abandonment and Sale of Grave Spaces

Motion by Brown, seconded by Miller, adopted Resolution 2017-64, a Resolution to Declare Abandonment and Sale of Grave Spaces in Oak Hill Cemetery. Roll call was: AYES: All. NAYES: None.

Resolution 2017-65 Spruce St. Water Plant Improvement Project

Motion by Brown, seconded by Agnitsch, adopted Resolution 2017-65, a Resolution Ordering Bids, Approving Plans, Specifications and Form of Contract and Notice to Bidder, Fixing Amount of Bidder's Check and Ordering Clerk to Publish Notice for the Water Treatment Facility Improvements Project. Roll call was: AYES: All. NAYES: None.

Consent Agenda

On a motion by Agnitsch, seconded by Brown, the following was approved under Consent Agenda. Roll call was: AYES: All. NAYES: None
City Council Minutes of October 24, 2017.

October Police Report

Class C Liquor License Renewal – Loft 101

Planning Commission Minutes of November 7, 2017

Parks & Rec Advisory Board Minutes of November 6, 2017

October Treasurer's Report and Receipts as follows: General \$519,607.91; Police Forfeiture \$10,657.39; County Library \$3.62; Road Use \$45,412.99; Employee Benefits \$221,348.60; Emergency \$12,295.10; Local Option Sales Tax \$64,311.45; Hotel/Motel Tax \$32.13; Tax Increment Financing \$0; Revolving Loan \$30.79; Library Memorial \$2,346.37; Park & Rec Capital Improvement \$7.20; Cemetery Special Care \$15.26; Debt Service \$104,782.35; Road Use Equipment \$14,626.17; CDBG Storefront Project \$0; FEMA Flood Buyout Program \$0; 2016 Capital Projects \$450.00; Emergency Set-Aside \$18.75; Oak Hill Perpetual Care \$65.00; Water Utility \$72,673.81; Water Utility – Industrial \$41.84; South Water Main Extension Project \$0; Water Main Project Bond & Interest \$4,993.75; Water System Maintenance \$9,969.53; Sewer Utility \$101,955.66; Sewer Utility – Industrial \$29.98; Sewer Facility Bond & Interest \$30,500.50; Sewer System Maintenance \$9,015.28; CDBG Sanitary Sewer \$0; Aviation Authority \$6,830.47; Solid Waste \$28,132.06; Landfill \$29,887.07; Storm Sewer Utility - \$7,010.53; Self-Insurance \$27.56; Police Dept. Special Acct. \$22.00

Bills totaling \$542,660.25

AFLAC	ADDITIONAL PREMIUM	\$168.99
AHLERS & COONEY P.C.	URBAN RENEWAL, LEASE	\$670.74
AHLERS & COONEY P.C.	123 E. MAIN NUISANCE	\$1,103.00
AHLERS & COONEY P.C.	WILSON SCHOOL NUISNACE	\$740.00
ALLIANT ENERGY	GAS	\$396.93
ALLOY SPECIALTY, INC.	LEWIS APARTMENTS	\$525.00
ALLOY SPECIALTY, INC.	123 E. MAIN STREET EVALUATION	\$2,575.00
ALYSSA A. HERBOLD PLC.	123 E. MAIN & 100 E. MAIN LEGAL	\$1,621.19
ALYSSA A. HERBOLD PLC.	10/17 LEGAL SERVICE	\$1,816.00
ALYSSA A. HERBOLD PLC.	10/17 WILSON SCHOOL NUISANCE	\$607.50
ARMOND RIDER	11/17 CELL PHONE REIMB.	\$50.00
ATIRA CREDIT MASTERCARD	MISCELLANEOUS SUPPLIES	\$3,064.92
BAKER & TAYLOR INC.	BOOKS & DVD'S	\$1,123.41
BARCO MUNICIPAL PRODUCTS	LIGHT BAR	\$300.39
BARKLEY ASPHALT, INC.	SEQUOIA TRAIL, DUMPSTER PAD	\$5,640.00
BENSON CONSTRUCTION	CURB & GUTTER ON W. WILLOW	\$3,600.00
BLAINE'S WATER CONDITIONING	SOFTNER & COOLER RENT, WATER	\$210.90
BOLTON & MENK, INC.	CDBG SANITARY SEWER PROJECT	\$7,789.25
BOMGAARS	OPERATING SUPPLIES	\$1,107.04
BRAD'S TIRE SERVICE	LAWN MOWER REPAIRS, FILTERS	\$235.18
BROWN SUPPLY CO.	MAGNETIC LOCATOR, SEWER LID	\$971.50
BUGH WELDING	4 VALVE KEYS, PLATE, SWEEPER PARTS	\$1,588.90
BUILDERS SHARP. & SERVICE	BLADE, BUSHING, BALL BEARING	\$148.29
CARROLL DISTRIBUTING	GAS CAN, FIRST AID KIT, BROOM	\$318.53
CHAMPION ELECTRIC, INC.	TRAFFIC LIGHT & CAMPING REPAIRS	\$9,796.45
CHAMPION ELECTRIC, INC.	100 E. MAIN STREET WIRING	\$721.16
CHAMPION ELECTRIC, INC.	REPLACE FIRE ALARM PANEL	\$9,448.85
CHASE GOODMAN	MEAL REIMBURSE FROM ACADEMY	\$672.87
CHEROKEE AUTO PARTS	AIR & OIL FILTERS, PARTS	\$157.78
CHEROKEE CO. SOLID WASTE	10/17 ASSESSMENT	\$29,688.51
CHEROKEE CO. SOLID WASTE	FEMA DEBRIS	\$70.00
CHEROKEE COUNTY RECORDER	RECORD STOWATER LEASE	\$57.00

CHRONICLE TIMES	LEGAL PUBLICATIONS	\$458.90
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$631.92
COGRAN SYSTEMS	9/17 REC. REGISTRATION	\$150.00
CONTROL SYSTEM SPECIALISTS	SERIVCE WORK	\$1,439.59
COUNSEL	COPY OVRAGE & CONTRACT	\$188.24
COUNTRY PINES	SPADE TREE IN NODE	\$475.00
CROSSROADS OF WESTERN IOWA	CLEAN SHOP TOWELS	\$5.46
DEMCO, INC.	OFFICE SUPPLIES	\$96.24
DIVERSIFIED FASTENING SYSTEM	PLOW BOLT & SCREWS	\$117.20
DUANE MUMMERT	11/17 CELL PHONE REIMB.	\$35.00
FAREWAY STORES, INC.	LIBRARY & CITY HALL SUPPLIES	\$72.09
FOUNDATION ANALYTICAL LAB	WASTEWATER SAMPLES	\$363.00
GEORGE SCHMIDT	11/17 CELL PHONE REIMB.	\$35.00
GREG EATON, FIRE CHIEF	FIREMAN PAY	\$775.00
GROUP RESOURCES/THREE RIVER	11/17 ADMIN FEES, CLAIMS	\$2,676.53
HACH CO.	LAB SUPPLIES	\$352.77
HALLETT MATERIALS	LIMESTONE, GRAVEL, SAND	\$578.22
HAWKINS, INC.	CHLORINE	\$310.00
HILLYARD	MOTOR & EXHAUST FILTER	\$90.01
HOLZHAUER MOTORS, LTD.	OIL CHANGE	\$1,187.64
HOTSY EQUIPMENT CO.	WAX, POWERSHINE	\$629.00
IOWA ASSOC. OF MUNICIPAL UTIL.	WATER FALL CONFERENCE	\$65.00
IOWA DEPT. OF NAT. RESOURCES	2018 ANNUAL WATER USE FEE	\$134.00
IOWA PRISON INDUSTRIES	SIGNS	\$155.21
IOWA RURAL WATER ASSOC.	2018 MEMBERSHIP DUES	\$375.00
JACK'S UNIFORMS & EQUIPMENT	HELMET, UNIFORM SHIRTS	\$925.59
JAKE DYSLIN	SUPPLIES FOR NEW K-9	\$158.87
JAMIE HODGDON	11/17 CELL PHONE REIMB.	\$35.00
JERRY'S TREE SERVICE	TRIM TREES IN GREENSPACE	\$650.00
JIM GANO	AMERICAN FLAGS	\$20.00
JUDY GRIENKE-MILLER	MILEAGE & HOTEL	\$772.17
KISTLER CRANE & HOIST	REPAIR HOIST, HARRINGTON LIFT	\$7,445.36
K-MART #9222	OPERATING SUPPLIES	\$59.47
MENARDS-SPENCER	TOOL BAGS, TAPE, BULBS	\$70.95
MICK'S MILITARY SHOP	ENGRAVE GAVEL	\$10.00
MID AMERICAN ENERGY	ELECTRICITY	\$19,094.10
MILLER, MILLER, MILLER, PC	FEMA TITLE GUARNTTEE CERT.	\$640.00
MILLER, MILLER, MILLER, PC	FEMA BUYOUT - 5 CLOSINGS	\$5,750.00
MILLS & MILLER INC.	DEICING SALT	\$10,074.96
MODERN HEATING & COOLING	CLEAN SINK AT CITY HALL	\$79.54
MOTOR PARTS SALES	BELT, GREASE, TOWING ADAPTER	\$90.97
NATE JAMES	11/17 CELL PHONE REIMB.	\$50.00
NORLAB INC.	LIQUID POWDER TRACING DYE	\$223.00
NORTH CENTRAL LABS	LAB SUPPLIES	\$441.84
OFFICE ELEMENTS	OFFICE SUPPLIES	\$37.94
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$346.17

O'REILLY AUTOMOTIVE STORES	WIPERS, SEAFOAM	\$74.41
PETTY CASH	POSTAGE, DONUTS	\$21.43
PETTY CASH - LIBRARY	NEWSPAPERS, POSTAGE	\$150.75
PHIL HAMMAN	2 BOOKS	\$30.00
POWERPLAN	JD PARTS	\$456.82
REHAB SYSTEMS, INC.	QUICK SET, TV SEWER LINES	\$23,888.70
REINERT MACHINE SHOP	TILLER, POOL, CAMPING REPAIRS	\$150.91
RICK GRIES	UTILITY BILL REFUND	\$9.13
ROCK SOLID MASONRY	100 E. MAIN BRICK REPAIRS	\$23,120.00
ROSENBAUER SOUTH DAKOTA	FIRE TRUCK PAYMENT	\$294,081.00
SAM KOOIKER	CELL PHONE, ICMA CONF. REIMB.	\$813.36
SANITARY SERVICES	10/17 GARBAGE PICK UP	\$25,098.00
SCE, LLC	DIG GRAVE	\$202.50
SIMMERING-CORY, INC.	10/17 SUPPLEMENT	\$1,651.00
SIOUX SALES COMPANY	AMMO, NAMEPLATE, RESERVE UNIF.	\$631.05
SIOUX VALLEY ENVIRONMENTAL	SVENFLOC PAIL	\$1,209.60
SOUTH FLORIDA K-9 INC.	K-9 DOG JACK	\$8,500.00
STANDARD READY MIX	CONCRETE	\$96.50
STEVE'S WINDOW SERVICE	CLEAN LIBRARY WINDOWS	\$90.00
SYNCHRONY BANK/AMAZON	BOOKS	\$175.75
THE BOOK VINE	BOOKS	\$32.45
TODD LARSEN	11/17 CELL PHONE REIMB.	\$45.04
TODD MILLER	11/17 CELL PHONE REIMB.	\$35.00
TOMETICH ENGINEERING	LEWIS HOTEL	\$2,256.00
TRUCK EQUIPMENT INC.	SWEEPER BROOMS	\$569.23
U.S. BANK EQUIPMENT FINANCE	COPY CONTRACT	\$89.94
UNITED STATES CELLULAR	CELL PHONE	\$73.83
USPS	CYCLE 1 UTILITY BILL POSTAGE	\$316.50
VALLEY GLASS & FRAMING	SHELVES FOR TROPHY CASE	\$47.66
VALLEY VETERINARY CENTER	MEDS FOR IKE, BOARD DOG	\$493.35
VERIZON WIRELESS	HOT SPOTS	\$120.05
VERNON MANUFACTURING	DENIAL SECURITY SYSTEM	\$4,646.38
WALDNER'S LAWN SERVICE	LAWN MOWING, FERTILIZING	\$190.00
WALL STREET JOURNAL	SUBSCRIPTION RENEWAL	\$868.98
WEX BANK	FUEL	\$2,733.91
WIEMOLD SMALL ENGINE REPAIR	CUT SAW & SNOWBLOWER REP.	\$112.55
WIESE OIL & SUPPLY CO., LT	DIESEL, PROPANE, HYD FLUID	\$2,129.31
WINDSTREAM	TELEPHONE	\$586.90
WOODALL ELECTRIC	BLOWER REPAIRS	\$904.00
YOUR FLEETCARD PROGRAM	FUEL	\$270.32
ZACH FREKING-SMITH	MILEAGE & MOTEL	\$330.71

Employee Insurance

Rick Angell, agent for the City's Wellmark health insurance policy, explained that the current plan premium increase for 2018 is 19.16%, which includes the 3.4% health insurer fee that was suspended by the federal government for the last two years but is scheduled to

return in 2018. It is Rick's recommendation that in order to keep the premium increase down to a more manageable 9.71%, the city increase the plan deductible from the current \$2,000/\$6,000 to \$2,500/\$7500, increase the out of pocket maximum from \$4,000/\$12,000 to \$5,000/\$15,000 and increase the co-pay amount from \$25/\$50 to \$30/\$60. The city would then self-fund the deductibles/out of pocket/co-pays down to the current levels. Additionally, a change in the administrator of the self-funded plan from Three Rivers/Group Resources to Mid American Benefits in Omaha would provide for better service and a cost savings of about \$1200 annually. Motion by Brown, seconded by Miller, to switch to the higher deductible Wellmark plan with a premium increase of 9.71% and change third party administrators from Three Rivers/Group Resources to Mid American Benefits. Roll call was: AYES: All. NAYES: None.

Update on 123 E. Main Demolition

The demolition of the structure at 123 E. Main is complete and discussions are on-going with the adjoining building owners, Filmore Gustafson and Lynn Waggoner related to the weatherproofing of their sidewalls adjacent to the site. Both structures have exterior block walls which were not previously exposed to the weather, and the owners have expressed concern that the city is now responsible to provide weather proofing of these exterior walls. Neal Guess, engineer with Bolton & Menk, reported that Jim Tometich, a structural engineer has looked at the buildings and estimated the cost for weatherproofing at \$6.50 per sq. ft. of sidewall surface. Tometich's report did not include the cost of insulation, which is estimated to cost an additional \$1.00 per sq. ft. Neal has determined a cost estimate for Gustafson's building of \$3,037.50 and for Lynn Waggoner's building of \$14,250. Lynn has obtained his own cost estimate for weatherproofing using a different material and that estimate is \$23,000. Neal recommends the city pay the property owners a settlement amount and the owners are then in charge of weatherproofing their walls. City Attorney Herbold stated that any assessments of costs to the property owners of 123 E. Main have to be determined to be reasonably necessary to abate the nuisance. Brown made a motion, seconded by Miller, to authorize a settlement offer of \$3,037.50 to Filmore Gustafson as negotiated by the City Attorney. Roll call was: AYES: Brown, Agnitsch, Miller, Johnson, Pingel. NAYES: None. Brown made a motion, seconded by Miller, to authorize a settlement offer of \$14,250 to Lynn Waggoner as negotiated by the City Attorney. Roll call was: AYES: Pingel, Miller, Johnson, Brown. NAYES: Agnitsch.

Memorandum of Understanding – Chamber of Commerce

Motion by Brown, seconded by Johnson, to approve a Memorandum of Understanding between the City and the Cherokee Chamber of Commerce. The MOU provides for a annual stipend of a minimum of \$5,000 beginning with FY17-18, funded from hotel/motel tax revenue. Roll call was: AYES: All. NAYES: None.

Executive Session

Motion by Brown, seconded by Miller to convene executive session at 7:41 p.m. to discuss litigation strategy as per Iowa Code Chapter 21.5(1)(c). Roll call was: AYES: Brown, Miller, Johnson, Pingel, Agnitsch. NAYES: None.

Motion by Brown, seconded by Miller, to return to regular session at 7:51 p.m. Roll call was: AYES: Miller, Agnitsch, Johnson, Pingel, Brown. NAYES: None.

Motion was made by Brown, seconded by Johnson, to authorize a “global settlement” of up to \$500 as discussed in executive session, with the settlement offer to include a non-disparagement clause. Roll call was: AYES: Agnitsch, Miller, Brown, Pingel, Johnson. NAYES: None.

Adjournment

On a motion by Miller, seconded by Agnitsch, the meeting was adjourned at 7:53 p.m.

Media Present: None

Wayne Pingel, Mayor Pro-Tem

ATTEST:

Diane Cargin
City Clerk Treasurer