

**CITY COUNCIL MINUTES  
TUESDAY, DECEMBER 12, 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, Miller, Johnson, Pingel. City Administrator Kooiker, and City Clerk-Treasurer Cargin. Absent was City Attorney Herbold.

**Community Center Mural**

Mayor Murphy presented James Pingrey with a Certificate of Recognition thanking him for his Eagle Scout project of painting a mural on the wall adjacent to the Community Center. Motion by Johnson, seconded by Pingel, to accept the mural project and acknowledging James for his efforts. Roll call was: AYES: All. NAYES: None.

**Annual Audit**

Arvin Druvenga of Winther Stave & Co., LLP, presented the audit report ending June 30, 2017. The audit indicated that the city is in solid financial position and no significant irregularities were noted. Motion by Agnitsch, seconded by Brown accepted the annual audit report as presented. Roll call was: AYES: All. NAYES: None.

**Resolution 2017-67 Authorizing Limited Sidewalk Repairs**

Motion by Brown, seconded by Miller adopted Resolution 17-67, a Resolution Authorizing Sidewalk Repair and approving a quote from Precision Concrete Cutting in the amount of \$17,749.00 for the repair of 237 sidewalk trip hazards. Roll call was: AYES: All. NAYES: None.

**Resolution 2017-68 Requesting Review of Gas Prices**

Motion by Pingel, seconded by Brown, tabled Resolution 2017-68, a Resolution Requesting Review of Gas Prices. Roll call was: AYES: All. NAYES: None.

**Public Hearing – Water Treatment Plant Improvement Project**

Mayor Murphy opened a Public Hearing on the Proposed Contract Documents and Estimated Costs for the Water Treatment Plant Improvement Project at 7:20 p.m. As there were no oral or written comments the Mayor closed the Public Hearing at 7:21 p.m.

**Resolution 2017-69 Awarding Contract Water Treatment Plant Improvement Project**

Motion by Miller, seconded by Agnitsch approved the contract and bond and awarded the contract for the Water Treatment Facility Improvements Project to Grundman-Hicks, LLC, Cherokee IA in the amount of \$297,441.00. 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 November 28, 2017.

November Police Report

Reviewed Airport Authority Board Minutes of Oct. 10 & Nov. 14, 2017

November Treasurer's Report and Receipts as follows: General \$165,958.88; Police Forfeiture \$4,536.15; County Library \$500.84; Road Use \$60,674.51; Employee Benefits \$44,515.95; Emergency \$2,418.25; Local Option Sales Tax \$58,077.04; Hotel/Motel Tax \$13.62; Revolving Loan \$28.46; Library Memorial \$334.23; Park & Rec Capital Improvement \$6.95; Cemetery Special Care \$14.73; Debt Service \$22,980.62; Road Use Equipment \$1.24; CDBG Storefront Project \$25,000.00; FEMA Flood Buyout Program \$460,138.30; 2016 Capital Projects \$7,500.00; Emergency Set-Aside \$18.10; Oak Hill Perpetual Care \$290.00; Water Utility \$52,496.33; Water Utility – Industrial \$40.39; South Water Main Extension Project \$0; Water Main Project Bond & Interest \$0; Water System Maintenance \$9,497.17; Sewer Utility \$81,174.46; Sewer Utility – Industrial \$28.95; Sewer Facility Bond & Interest \$0; Sewer System Maintenance \$8,456.32; CDBG Sanitary Sewer \$0; Aviation Authority \$1,343.43; Solid Waste \$26,818.64; Landfill \$28,650.03; Storm Sewer Utility - \$6,663.93; Self-Insurance \$0; Police Dept. Special Acct. \$0  
 Bills totaling \$401,935.17

360 CUSTOM DESIGNS	CLOTHING FOR DAN	\$300.00
AHLERS & COONEY P.C.	WILSON SCHOOL, URBAN RENEWAL	\$2,197.10
AL'S CORNER OIL CO.	FUEL	\$63.44
ALLIANT ENERGY	10/20-11/20/17 GAS-BEECH ST.	\$711.10
ARMOND RIDER	12/17 CELL PHONE REIMBURSEMENT	\$50.00
ARTIST'S MAGAZINE	SUBSCRIPTION	\$29.95
ATIRA CREDIT CARD	BASKETBALL MATS, ACADEMY EXP.	\$2,491.59
BANKERS TRUST CO.	BOND INTEREST/FEES PAYMENTS	\$81,093.75
BENSON CONSTRUCTION	HWY. 59 WATER MAIN BREAK	\$56,915.72
BIERSCHBACK EQUIP.	HYCON BREAKER	\$1,875.00
BLAINE'S WATER COND.	COOLER RENT & WATER-CH	\$174.30
BOLTON & MENK, INC.	WATER TREATMENT REABILITATION	\$18,821.75
BOMGAARS	SUPPLIES	\$2,089.84
BRAD'S TIRE SERVICE	HYDRAULIC FILTER	\$59.90
BROWN SUPPLY CO.	MANHOLE RISER	\$204.00
BUENGER, JEREMY	UTILITY BILL REFUND	\$56.58
BUILDERS SHARP. & SERVICE	OIL FILTER, STARTER ROPE	\$609.44
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$620.86
CARUS CORPORATION	CALIQUEST LIQUID	\$740.00
CHAMPION ELECTRIC, INC.	FIRE PULL STATION	\$792.92
CHEROKEE AREA ECONOMIC	FY18 2ND QTR. CONTRIBUTION	\$3,457.50
CHEROKEE AUTO PARTS	OIL FILTER	\$26.81
CHEROKEE CO. SOLID WASTE	11/17 ASSESSMENT, 123. E. MAIN	\$49,423.89
CHRONICLE TIMES	LEGAL PUBLICATIONS	\$404.42
CINTAS	FIRST AID SUPPLIES	\$67.32
COUNSEL	COPIER LEASE, COPY CHARGES	\$142.19
COUNTRY TIRE & SERVICE	SKID LOADER REPAIRS, TIRE REPAIRS	\$105.74
CREATIVE PRODUCT SOURCE	CHALLENGE WALL CALENDAR	\$119.61
CROSSROADS OF WESTERN IOWA	CLEAN SHOP TOWELS	\$5.20
DEMCO, INC.	CARDS	\$25.42
DUANE MUMMERT	12/17 CELL PHONE REIMBURSEMENT	\$35.00
FAREWAY STORES, INC.	SUPPLIES	\$31.21
FIELD & STREAM	SUBSCRIPTION	\$24.97

FILMORE GUSTAFSON	CONST. SETTLEMENT AGREEMENT	\$3,037.50
FRANK DUNN CO.	HIGH PERFORMANCE PATCH	\$789.00
GANGER PAINT & BODY	REPLACE DOOR HANDLE-PARK	\$62.00
GEORGE SCHMIDT	12/17 CELL PHONE REIMBURSEMENT	\$35.00
GREG EATON	FIRE DEPT. VOLUNTEER PAYROLL	\$590.00
GREGG COMPUTER SERVICE	2 COMPUTER TOWERS	\$1,727.50
GROUP RESOURCES/THREE RIVERS	FLEX PLAN CLAIMS	\$2,279.64
HALLETT MATERIALS	GRAVEL	\$79.35
HILLYARD	PAPER TOWELS	\$42.51
HOLZHAUER MOTORS, LTD.	REPLACE RADIATOR	\$1,073.82
IOWA FINANCE AUTHORITY	SRF PAYMENTS - INTEREST	\$17,365.00
JAMIE HODGDON	12/17 CELL PHONE REIMBURSEMENT	\$35.00
JIM'S SEWER SERVICE	SPRUCE & SARATOGA INTAKES	\$7,627.00
K-MART #9222	PAPER, INK, SUPPLIES	\$211.75
MENARDS-SPENCER	TOOL BAG, PLIERS, WRENCH	\$68.82
MID AMERICAN ENERGY	ELECTRIC	\$771.65
MODERN HEATING & COOLING	PARTS & LABOR - BOILER	\$546.18
MOTOR PARTS SALES	OIL DRY	\$9.95
MUNICIPAL SUPPLY, INC.	WATER SUPPLIES, CRMC METER	\$5,153.24
NATE JAMES	12/17 CELL PHONE REIMBURSEMENT	\$50.00
NORTH STAR COMM. CREDIT UNION	NORTHSTAR COMM CU	\$712.00
O'HALLORAN INTERNATIONAL,	INTERNATIONAL HYDRAULIC LEAK	\$992.78
O'REILLY AUTOMOTIVE STORES	INSPECT CAM	\$136.76
ONE OFFICE SOLUTION	SUPPLIES	\$198.27
ONE SOURCE SUPPLY, LLC	ASCO MODEL	\$681.09
OTC BRANDS, INC.	SUPPLIES	\$92.97
PETTY CASH - LIBRARY	PETTY CASH - LIBRARY	\$146.50
PITNEY BOWES GLOBAL FIN. S	POSTAGE MACHINE LEASE	\$58.64
PRODUCTIVITY PLUS ACCOUNT	BOOM PIN	\$217.64
REHAB SYSTEMS, INC.	MANHOLE REHAB	\$8,180.00
RENAISSANCE RESTORATION IN	PARTIAL WAIVER-MECHANIC'S LIEN	\$1,159.72
RENT-ALL, INC.	FLOOR POLISHER	\$68.00
SAM KOOIKER	12/17 CELL PHONE REIMBURSEMENT	\$50.00
SANITARY SERVICES	11/17 GARBAGE PICK UP	\$25,151.40
SCE, LLC	123 E. MAIN, HWY. 59 LEAK, GRAVES	\$69,433.14
SHOPKO	LABELS	\$11.98
STEVE'S WINDOW SERVICE	CLEAN WINDOWS-CH	\$116.00
STOREY KENWORTHY/MATT PARR	W'2'S, 1099'S, ENVELOPES	\$1,019.53
THE ACCURATE COURT REPORTE	SUBSCRIPTION RENEWAL	\$39.00
THE BOOK FARM	CHILDREN'S PUZZLES, ITEMS	\$233.90
THE BOOK VINE	BOOKS	\$127.23
TODD LARSEN	12/17 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	12/17 CELL PHONE REIMBURSEMENT	\$488.77
TOMETICH ENGINEERING	WILSON SCHOOL, 123 E. MAIN	\$9,210.00
TREASURER, STATE OF IOWA	OCT. NOV. STATE SALES TAX	\$9,436.00
U.S. BANK EQUIPMENT FINANC	COPIER CONTRACT-PD	\$89.94

UNITED STATES CELLULAR	FINAL CELL PHONE-CEM.	\$30.16
USA BLUE BOOK	GAUGE, BALL VALVE, TOWELS	\$176.59
USPS	UTILITY BILL POSTAGE	\$313.83
UTILITY EQUIPMENT COMPANY	WATER SUPPLIES	\$899.60
VALLEY VETERINARY CENTER	K-9 SUPPLIES	\$246.62
VERIZON WIRELESS	HOT SPOT-PD	\$120.03
WEX BANK	FUEL	\$2,760.33
WIESE OIL & SUPPLY CO., LT	PROPANE, FUEL	\$3,428.00
WINDSTREAM	TELEPHONE	\$496.39
ZACH FREKING-SMITH	LETTERS FOR BOOK BINS REIMB.	\$55.93

**Lewis Hotel Building – 231 W. Main St.**

City Attorney Herbold joined the meeting by telephone to discuss structural and other issues with the Lewis Hotel building at 231 W. Main St. Lisa Wescott, the building's manager, stated she does not get any help from the owner of the building, Dennis Esch of Omaha NE in addressing the problems with the structure. She is doing the best she can with the funds she has to work with, which is limited to the rent collected from the tenants. She has had no contact with the owner in at least two years and thinks the phone number she has is good but he does not pick up or respond to her messages. There are 21 apartments in the building, eleven are occupied and she has four prospective tenants. Kooiker questioned if she has informed the tenants of the mold problem in the building. She replied that she has, and has installed dehumidifiers and air purifiers, but until the back wall is fixed there will continue to be a problem. Kooiker stated that the property taxes are in arrears approximately \$20,000 and Lisa said that she only became aware of the unpaid property taxes recently. She said that she had paid them when she first took over management of the building and was instructed by the owner that she was not to do that in the future. Kooiker asked about the condition of the front steps on the north side of the building, Lisa replied that they are blocked off but there are two other entrances for tenants to use. Herbold asked Lisa what her goals in the remediation efforts are, what are her primary concerns? Lisa said her primary concern is getting the back wall fixed, she has made some updates per the request of the fire marshall and has updated some of the wiring. Her funds are running low, she does not have the money to repair the back wall. She acknowledged that she has received and read the reports sent to her from Kooiker regarding the structural and mold problems. She obtained an estimate several years ago for repair of the back wall which was between \$60,000 and \$80,000. Kooiker asked if she would be willing to get a new estimate. Lisa replied she would be glad to do so. Herbold asked about problems with the roof. Lisa stated that she can include that in the estimate but she is only aware of one leak as well as problems with the gutters. Lisa agreed to provide itemized estimates concerning the repairs necessary to the back wall and the roof. Brown inquired as to whether the owner receives some of the rental income and Lisa stated that no, he hasn't touched the bank account. As far as she is aware, Mr. Esch inherited the building and he has never even seen it.

Motion by Miller, seconded by Brown, acknowledged the environmental and structural reports for the building at 231 W. Main. Roll call was: AYES: Johnson, Miller, Pingel, Agnitsch, Brown. NAYES: None.

Motion by Brown, seconded by Pingel, authorized the City Attorney to proceed with appropriate action and notices. Roll call was: Ayes: Brown, Miller, Pingel, Agnitsch, Johnson. NAYES: None.

Motion by Pingel, seconded by Agnitsch, designated the city's Revolving Loan Fund as the funding source for ordinance enforcement. Roll call was: AYES: Pingel, Agnitsch, Johnson, Miller, Brown. NAYES: None.

### **Close-out of 2017 Street Projects**

Motion by Miller, seconded by Johnson, approved and executed the following documents for the close-out of the 2017 Street Projects: Change Order #3 (deduct of \$22,781.00 for reconciliation of quantities), Contractor's Pay Request #2 in the amount of \$16,624.53, Contractor's Pay Request #3 in the amount of \$13,521.66 and the Certificate of Substantial Completion. Roll call was: AYES: All. NAYES: None.

### **Renewal of Mediacom Franchise**

Motion by Pingel, seconded by Brown, approved a response to notice from Mediacom for a ten-year cable franchise authority renewal. Roll call was: AYES: All. NAYES: None. Kooiker stated he has a meeting scheduled with a Mediacom representative in January.

### **Downtown Façade Program**

Motion by Brown, seconded by Miller authorized release of retainage of \$25,248.96 to Renaissance Restoration, Inc. for the Downtown Façade Program, with a remaining retainage amount of \$6,692.90 not to be released until the completion of four remaining issues on the contractor's punch list. Roll call was: AYES: All. NAYES: None.

### **CAEDC Update**

Bill Anderson, Executive Director of CAEDC passed out the 2017 Annual Report and mention that this is their annual appeal for continued support. He has had a very active two months in his new position and is looking forward to 2018. The marketing of the former Tyson plant remains a top priority.

### **Parks Department Report**

Duane Mummert, Parks Superintendent updated the council on the recent activities in his department. Cherokee has an outstanding Trails Committee and one of the major accomplishments this past year is the land acquisition by the Natural Heritage Foundation for future trail expansion. Other activities include development of the horseshoe pits, seal coating of the road at the south end of Spring Lake Park, and work on the lower camping area.

### **Adminstrator's Report**

Kooiker stated that Resolution 2017-66 requiring action by the owner of the Brummer building at 101 E. Main to repair the steps and window well will not be implemented as the owner has completed the necessary work.

### **Adjournment**

On a motion by Brown, seconded by Pingel, the meeting was adjourned at 7:49 p.m.

Media Present: Nikki Thunder, *KCHE Radio*

---

Mark Murphy, Mayor

ATTEST:

---

Diane Cargin  
City Clerk Treasurer