

**CITY COUNCIL MINUTES
TUESDAY, APRIL 11, 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, Miller, Johnson, Brown, City Administrator Kooiker, City Attorney Herbold, City Clerk-Treasurer Cargin. Absent: Mayor Murphy

Dennis and Tammy Pointon, owners of the building at 123 E. Main St. have offered to donate this building to the city. The building has numerous structural issues and the Pointons are not in the position to do the necessary repairs. Kooiker observed that the building does have a lot of historical value, but that the city has a number of property issues to deal with already. Brown commented that although he would like to see the building rehabilitated, the city is not in the business of property redevelopment. Pingel pointed out that if the city accepts this building, where do we draw the line with other similar situations. Miller would rather the owners deed it over to someone or some other entity that has the funds to do the repairs. Dwight Varce, downtown business owner, urged the city to get involved. He stated losing the building will be a negative, no one wants to see it falling down. He feels there is a lot of emergency money that the city can get, and there are volunteers in the community that would help with the rehabilitation. Brown pointed out that volunteers get exhausted, there are usually the same people that step forward and asked if Varce knew specifically of available funding. Pingel does not like the idea of the condition of the building continuing to worsen but questions whether this is a role of the city. Johnson made a motion to continue this discussion to the May 23rd meeting, requesting that the Pointons approach others to take the building including the Cherokee Industrial Corporation, and the Pointons allow council members to inspect the building. Miller seconded the motion. Roll call was: AYES: All. NAYES: None.

Brown made a motion, seconded by Miller, adopting Resolution #2017-11, a Resolution Approving Indemnity Agreement Concerning 409A and 409B Valley View Drive. Roll call was: AYES: All. NAYES: None.

Motion by Brown, seconded by Agnitsch, to adopt Resolution #2017-21, a Resolution Vacating a Portion of Public Right of Way Easement located on 409A and 409B Valley View Drive. Roll call was: AYES: All, NAYES: None.

Miller made a motion, seconded by Johnson, to ratify the Board of Adjustment's variance determination regarding 409A & B Valley View Drive. Roll call was: AYES: All, NAYES: None.

Mayor Pro-Tem Pingel opened the Public Hearing on the Rezoning Application by the Cherokee County Fair Assoc. of 3.91 acres from A-1 Agricultural to C-1 General Retail Business District at 7:04 p.m. As there were no oral or written comments, the public hearing was closed at 7:05 p.m.

Motion by Agnitsch, seconded by Brown, approved the first reading of Ordinance No. 641, an Ordinance Rezoning 3.91 acres of land near Sequoia Dr. and Hwy. 59 from A-1

Agricultural to C-1 General Retail Business District. Roll call was: AYES: All: NAYES: None.

On a motion by Agnitsch and seconded by Brown the following was approved under Consent Agenda.

City Council Minutes of March 28, 2017.

Class E Liquor License renewal for A-Z Liquor.

March Police Report

Parks & Rec Advisory Board minutes of April 3, 2017

March Treasurer's Report and receipts as follows: General \$64,731.00; Police Forfeiture \$569.00; County Library \$3500.00; Road Use \$51,772.55; Employee Benefits \$22,589.28; Emergency \$1,345.23; Local Option Sales Tax \$40,846.82; Hotel/Motel Tax \$23,753.73; Tax Increment Financing \$580.14; Revolving Loan \$500.00; Library Memorial \$1,568.08; Park & Rec Capital Improvement \$715.00; Cemetery Special Care \$50,950; Debt Service \$13,610.36; Road Use Equipment \$0; CDBG Storefront Project \$0; FEMA Flood Buyout Program \$0; 2016 Capital Projects \$2,850.00; Emergency Set-Aside \$0; Oak Hill Perpetual Care \$0; Water Utility \$59,470.24; Water Utility – Industrial \$0; South Water Main Extension Project \$0; Water Main Project Bond & Interest \$0; Water System Maintenance \$9,396.34; Sewer Utility \$89,637.86; Sewer Utility – Industrial \$0; Sewer Facility Bond & Interest \$30,292.33; Sewer System Maintenance \$6,250.00; CDBG Sanitary Sewer \$0; Aviation Authority \$747.38; Solid Waste \$26,685.55; Landfill \$32,836.25; Storm Sewer Utility - \$7,091.39; Self-Insurance \$100.00; Police Dept. Special Acct. \$0.

Bills totaling \$220,668.03

AHLERS & COONEY P.C.	WATER TOWER URBAN RENEWAL	\$593.56
	WILSON SCHOOL, ANNEXATION	\$1,826.00
ALLIANT ENERGY	GAS	\$1,052.81
ALYSSA HERBOLD	WILSON SCHOOL, 3/17 LEGAL SERVICE	\$4,175.22
AMERICAN UNDERGROUND SUPPLY	CAMPING VALVES	\$108.94
ARAMARK UNIFORM SERVICES	RAGS, RUGS, MOPS	\$44.19
ARMOND RIDER	4/17 CELL PHONE REIMB., MILEAGE, HOTEL	\$467.88
ATLAS COPCO COMPRESSORS LLC	ROTO -XTEND OIL	\$482.58
BARCO MUNICIPAL PRODUCTS	NO BIKE/ROLLERBLADE SIGNS, SAFETY VEST	\$229.65
BIERSCHBACH EQUIPMENT	TOOLS	\$588.20
BLAINE'S WATER CONDITIONING	SOFTNER SALT & RENT	\$142.85
BOLTON & MENK, INC.	CDBG SANITARY SEWER, WATER MAIN	\$9,199.75
BUGH WELDING	2 MANHOLE COVERS, STEEL, BRACKET	\$314.25
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$623.52
CARUS CORPORATION	CALCIQUEST LIQUID	\$1,153.50
CHEROKEE AUTO PARTS	MOWER PARTS	\$18.17
CHEROKEE CO. SOLID WASTE	3/17 ASSESSMENT	\$29,688.51
CHEROKEE COMMUNITY SCHOOL	MIDDLE SCHOOL CLEANING 3/5	\$146.85
CHEROKEE COUNTY ASSESSOR	ANNUAL PICTOMETRY CONTRIBUTION	\$2,000.00
CHEROKEE COUNTY RECORDER	RECORD 2 DOCUMENTS	\$84.00
CHEROKEE COUNTY SHERIFF	SMALL CLAIMS NOTICE	\$24.50
CHEROKEE FIRE DEPARTMENT	FIREMAN PAYROLL	\$985.00
CHLORINATORS INCORPORATED	SENSOR ENCLOSURE	\$324.30
CHRONICLE TIMES	LEGAL PUBLICATIONS, ADS	\$926.12

COGRAN SYSTEMS	2/17 REGISTRATION SYSTEM	\$150.00
CONTROL SYSTEM SPECIALISTS	REPAIRS	\$271.00
COUNSEL	OFFICE SUPPLIES	\$217.80
DENNY'S SERVICE	CONDENSATE PUMP & LABOR, REPAIRS	\$245.73
DUANE MUMMERT	4/17 CELL PHONE REIMBURSEMENT	\$35.00
EATING WELL	SUBSCRIPTION RENEWAL	\$18.98
ELECTRONIC ENGINEERING	PAGER BATTERIES	\$70.00
ENVIRON. RESOURCE ASSOC.	LAB SUPPLIES	\$812.89
FAREWAY STORES, INC.	FATHER/DAUGHER, MOTHER/SON	\$208.07
FELD FIRE	OPERATING SUPPLIES	\$272.00
FOUNDATION ANALYTICAL LAB	WATER & WASTEWATER TEST	\$290.00
GEORGE SCHMIDT	4/17 CELL PHONE REIMBURSEMENT	\$35.00
GROUP RESOURCES/THREE RIVERS	GENERAL FLEX SPENDING, CLAIMS	\$1,384.80
HACH CO.	LAB SUPPLIES	\$207.61
HEIDI SHUBERG	UTILITY BILL REFUND	\$28.99
HOLZHAUER MOTORS, LTD.	OIL CHANGE & REPAIRS	\$135.93
HOMEBUYERS	UTILITY BILL REFUND	\$55.18
IOWA COMM. ASSURANCE POOL	TROY PEDERSEN RESTITUTION	\$300.00
	PROPERTY & LIABILITY INSURANCE	\$117,654.58
IOWA DEPT. OF NATURAL RESOURCES	EXAM FEE-L. STINES	\$30.00
IOWA LIBRARY ASSOCIATION	SPRING SYMPOSIUM	\$25.00
JANITOR'S CLOSET, LTD.	WAX	\$186.20
JIM GANO	FLAGS	\$20.00
K-MART #9222	DARTS FOR MOTHER/SON EVENT	\$13.99
KNIFE RIVER MIDWEST LLC	COLD MIX ASPHALT	\$957.15
LEILA WOLFE	UTILITY BILL REFUND	\$82.04
LETSCHKE BIKE/RADIO SHACK	CAMERA, SD CARD	\$299.94
MARCUS LUMBER COMPANY	PLYWOOD, SANDPAPER, BRUSH SET	\$32.01
MID AMERICAN ENERGY	ELECTRICITY	\$929.40
MOTHER EARTH NEWS	SUBSCRIPTION RENEWAL	\$17.00
MOTION PICTURE LICENSING	SUBSCRIPTION RENEWAL	\$121.69
MOTOR PARTS SALES	VEHICLE SUPPLIES	\$505.68
NATE JAMES	4/17 CELL PHONE REIMBURSEMENT	\$50.00
O'REILLY AUTOMOTIVE STORES	MOWER SOLENOID	\$4.09
ODE DESIGN	IOWA CULTURE SUBSCRIPTION	\$44.00
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$284.32
OVERHEAD DOOR CO.	GARAGE DOOR REMOTES	\$128.25
PETTY CASH	MOTHER/SON SUPPLIES, PUMP	\$14.52
PETTY CASH - LIBRARY	POSTAGE, NEWSPAPERS, TUBS	\$221.45
PILOT ROCK SIGNS	MEMORIAL BENCH, SMOKE STACKS	\$1,008.00
PITNEY BOWES GLOBAL FIN.	12/30/16-3/29/17 POSTAGE LEASE	\$158.64
REAL SIMPLE SUBSCRIBER	SUBSCRIPTION	\$43.00
REHAB SYSTEMS, INC.	JET VAC/CLEAN N. 1ST LINE	\$875.00
RENT-ALL, INC.	OBSTACLE COURSE RENT	\$175.00
RETA TODD	MOTHER/SON EVENT PHOTOS	\$50.00
RON'S REPAIR, INC.	CLEAN BATTERY CABLE ENDS	\$50.00

SAM KOOIKER	4/17 CELL PHONE REIMBURSEMENT	\$50.00
SANITARY SERVICES	3/17 GARBAGE PICK UP	\$25,044.60
SCALETRON INDUSTRIES, LTD	MODEL 2350 LOADCELL CABLE	\$447.42
SCE, LLC	LIFT STATION, GRAVE, SNOW REM.	\$2,452.65
SIOUX VALLEY ENVIRONMENTAL	SVENFLOC 5 GAL. PAIL	\$1,209.60
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$90.00
SWAIN MOTOR CO.	REPAIR FRONT BUMPER	\$130.00
THE BOOK VINE	BOOKS	\$666.82
TODD LARSEN	4/17 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	4/17 CELL PHONE REIMBURSEMENT	\$35.00
TOM MUMMERT & SON CONST.	SNOW REMOVAL	\$1,265.00
TRUCK EQUIPMENT INC.	SNOWEX CENTER PIPE & NOZZLE	\$381.94
UNITED STATES CELLULAR	CELL PHONE CHARGES	\$152.09
USPS	UTILITY BILL POSTAGE	\$317.63
VALLEY VETERINARY CENTER	K-9 MEDS	\$56.40
VERIZON WIRELESS	CELL PHONE, HOT SPOT	\$109.96
WALDNER'S LAWN SERVICE	SNOW REMOVAL	\$550.00
WEX BANK	FUEL	\$2,494.19
WINDSTREAM	TELEPHONE	\$98.54
WOODALL ELECTRIC	WORK ON HELICAL SLEEVE	\$495.00
YOUR FLEETCARD PROGRAM	FUEL	\$164.53
ZACH FREKING-SMITH	MILEAGE, MISC. REIMBURSEMENTS	\$501.38

The following quotes were received for a new police vehicle; Rasmussen Ford for a 2017 Ford Expedition \$25,500 after trade in, Holzhauser Motors for a 2017 Chevy Tahoe \$21,088.29 after trade in. Motion by Brown, seconded by Johnson, to award the bid to Holzhauser Motors. Roll call was: AYES: All. NAYES: None

Motion by Miller seconded by Agnitsch, authorized the close-out of the N. Roosevelt Street reconstruction project. Roll call was: AYES: All. NAYES: None.

Kooiker reported that the public works department would like to replace a skid loader with a Toolcat, financing the Toolcat with a five year lease. The Toolcat will be a much more versatile machine. Miller stated he would rather see an outright purchase, although there is not enough money budgeted in the 17-18 budget. Brown questioned whether or not there would be a penalty for buying out the lease. This item was tabled until the next meeting.

The Board of Adjustment recently met and approved granting variance requests for properties at 217 N. Roosevelt and 612 N. Sherman. Kooiker recommends the council ratify the Board's decision on both requests. Agnitsch made a motion, seconded by Miller, ratifying the Board of Adjustment's decision with conditions as set out in the Board's meeting minutes. Roll call was: AYES: All. NAYES: None.

Marlys Svendsen gave an overview of the Cherokee Reconnaissance Project. This project resulted from the FEMA flood buyout project's demolition of two homes with historic value, necessitating a project of some sort relating to historic preservation. Historic research,

interviews and building photography made up the historic review with over 100 potential historically and architecturally significant properties being identified as well as the boundaries for eight or nine historic districts.

On a motion by Brown, seconded by Johnson, the council approved an amendment to the contract for the FEMA Historic Preservation Reconnaissance Survey. Roll call was: AYES: All. NAYES: None.

Motion by Agnitsch, seconded by Johnson, to go into executive session at 8:13 p.m. for the purpose of discussing litigation strategy. Roll call was: AYES: Johnson, Agnitsch, Miller, Brown. NAYES: None.

Motion by Brown, seconded by Johnson, to reconvene to open session at 8:55 p.m.. Roll call was: AYES: Agnitsch, Miller, Johnson, Brown. NAYE: None.

Agnitsch made a motion, seconded by Brown, authorizing the City Attorney to visit with other involved parties per the discussion in closed session; to release the March 21 environmental and supplemental report at the discretion of the City Attorney, and to authorize the City Attorney to proceed with additional warrant measures and the filing of nuisance and related court actions at her discretion. Roll call was: AYES: Brown, Johnson, Agnitsch, Miller. NAYES: None

Kooiker stated that a more recent draft of Resolutions 2017-11 and 2017-21 acted upon earlier in the meeting had not been made available to the council. City Attorney Herbold advised that the only difference between the copies the council had in their packets and the latest copy was the insertion of the words, “for a period of 120 days” referring to the encroachment ceasing to exist. Brown made a motion to approve both resolutions as amended with the inclusion of the above wordage, seconded by Johnson. Roll call was: AYES: All. NAYES: None.

Miller made a motion to adjourn, seconded by Agnitsch. All voted aye. The meeting was adjourned at 9:00 p.m.

Media Present: *Nikki Thunder*

Wayne Pingel, Mayor Pro-Tem

ATTEST:

Diane Cargin

City Clerk Treasurer