

**CITY COUNCIL MINUTES
TUESDAY, JUNE 13, 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, City Clerk-Treasurer Cargin.

Public Forum

Kooiker read a letter from Bob Wilkie regarding the placement of a Veteran's sign along Hwy. 59 on the south side of town. Bob is asking for financial help from the city for the purchase of the sign, which will cost \$861.62 and be obtained from Pilot Rock Signs. The council authorized the expense from the Street Dept. signs budget in FY17-18.

Rebecca Giesel from Alliant reported to the council on the company's activities in Cherokee over the recent year. She urged the city to take advantage of their available grant programs including Hometown Grants and Branching Out (tree) grant.

Misty Klein, 410 Magnetic Ave., is requesting the water be turned back on at this residence. She is an owner and is currently staying there. Water has been turned off due to an unpaid bill incurred by a tenant. An agreement was signed by a second owner of the property, Randall Klein, and Deputy Clerk Sara Lucas to not turn the water back on at the request of Mr. Klein. Motion by Brown to terminate the agreement signed on May 23, 2017, between Klein and Lucas and authorize the reconnection of water service after the past due amount of \$585.05 plus reconnect fees and deposit have been paid, with utilities to be in Andrew Klein's name and future delinquent bills assessable to the property owner(s). Motion was seconded by Miller. Roll call was: AYES: All. NAYES: None.

North 11th Dust Control – Change Order #1 Blacktop Services

Motion by Brown, seconded by Miller, to approve Change Order #1 with Blacktop Service Co. in the amount of \$19,972 adding chip seal on N. 11th St., with an amendment to add primer coat along with double chip seal, seconded by Miller. Roll call was: AYES: All. NAYES: None.

Change Order #2 Blacktop Services

Motion by Miller, seconded by Johnson, approving Change Order #2 with Blacktop Service Co. which provides for chip seal on various streets and alleys in the amount of \$48,347.00, eliminating the last three sites on the list and reducing the amount of the change order to \$40,073.00. Roll call was: AYES: All. NAYES: None.

Ordinance #643 Regulating Fireworks

Motion by Miller, seconded by Agnitsch, approved the third reading of Ordinance #643, an Ordinance Relating to Discharging Fireworks within the City of Cherokee and ordered its publication. Roll call was: AYES: All. NAYES: None.

Ordinance #644 Parking on N. 5th St.

Motion by Brown, seconded by Pingel, to approve the second and waive the third reading of Ordinance #644, an Ordinance Switching from Diagonal to Parallel Parking on the east side

of N. 5th St. from W. Main St. to W. Willow St. and ordered its publication. Roll call was: AYES: All. NAYES: None.

Resolution #17-30 Contract for MHI/CCUSO Fire Dept. Services

Motion by Miller, seconded by Johnson, to approve Resolution #17-30, a Resolution Adopting New Contract with MHI/CCUSO for Fire Protection Services and terminating the current contract, providing for charges based on services rendered rather than a flat fee. Roll call was: AYES: All. NAYES: None.

Public Hearing on West Elm St. Storm Sewer Project Plans and Specs

The Mayor opened the Public Hearing on the W. Elm St. Storm Sewer Project at 7:56 p.m. As there were no oral or written comments, the public hearing was closed at 7:57 p.m.

West Elm St. Storm Sewer Project Bid Award

Kooiker stated four bids were received for the West Elm St. Storm Sewer Project as follows: VanderPol Excavating, Orange City IA - \$135,834.30; SCE LLC, Cherokee IA - \$173,732.00; King Construction, Wall Lake IA - \$183,828.75; Grundman-Hicks Const., Cherokee IA - \$189,000.00. Josh Pope with Bolton & Menk has reviewed the bids and recommends awarding the contract to the low bidder, Vander Pol Excavating, in the amount of \$135,834.30. Motion by Pingel, seconded by Agnitsch, to award the bid to Vander Pol Excavating. Roll call was: AYES: All. NAYES: None.

Resolution #17-31 Setting Public Hearing on Ordinance Amending Zoning Map

Motion by Brown, seconded by Pingel set the Public Hearing on Proposed Ordinances Amending the Zoning Map and Zoning Districts for Tuesday, June 27, 2017 at 7:00 p.m. Roll call was: AYES: All. NAYES: None.

Resolution #17-32 Disposing of Real Property

Motion by Agnitsch, seconded by Brown, adopted Resolution #17-32, a Resolution Disposing of Real Property at 407 S. 6th St. and 741 W. Main St. and accepting the bid of \$501.00 from Jordan Wilberding for 741. W. Main and the bid of \$1,037.25 from Schoon Investments for 407 S. 6th St. Roll call was: AYES: All. NAYES: None.

Resolution #17-33 Authorizing Resolutions Etc. Toolcat Lease

Motion by Miller, seconded by Johnson, adopted Resolution #17-33, a Resolution Authorizing Resolutions, Incumbency, Appropriation and Essential Use for the lease of a Toolcat for the Public Works Dept. Roll call was: AYES: All. NAYES: None

Resolution #17-34 Authorizing Lease Agreement with Builder's Sharpening

Motion by Pingel, seconded by Brown, adopted Resolution #17-34, a Resolution Authorizing a Lease Agreement with Builder's Sharpening & Service for a Toolcat. Roll call was: AYES: All. NAYES: None.

Resolution #17-35 Approving Plat Staver Subdivision

Kooiker noted two minor changes on the subdivision plat map for the Staver's proposed subdivision, the name change from "Stave" to "Staver" on the Index Legend of the map, and "Lot's 2, 3 and 4" should not contain an apostrophe. Motion by Miller, seconded by

Agnitsch, adopted Resolution #17-35, a Resolution Approving Preliminary and Final Plat for Staver's Eastside Subdivision. Roll call was: AYES: All. NAYES: None.

Consent

On a motion by Brown, seconded by Miller the following was approved under Consent Agenda, with item #4.15 being postponed until after the CAEDC Board reviews their nominating procedure. Roll call was: AYES: All. NAYES: None
City Council Minutes of May 23, 2017.

Parks & Recreation Advisory Committee Minutes of June 5, 2017.

Tax Abatement Application for 420 Sequoia Dr.

Appointment by Mayor of Janice Woodall to Historic Preservation Commission.

Planning & Zoning Commission minutes of June 6, 2017, and acceptance of preliminary report on the repeal and replacement of the Official Zoning Map.

Cigarette Permits for the following: HyVee Gas, HyVee Food Store, Fareway, Sparky's One Stop, Casey's General Store, Liquor on the Corner, Dollar General Store, Kimmes Cherokee Country Store, A to Z Liquor.

May Treasurer's Report and Receipts as follows: General \$160,761.74; Police Forfeiture \$448.51; County Library \$1.93; Road Use \$43,359.52; Employee Benefits \$60,782.23; Emergency \$3,656.17; Local Option Sales Tax \$41,064.09; Hotel/Motel Tax \$48.44; Tax Increment Financing \$1,145.10; Revolving Loan \$1,531.31; Library Memorial \$558.91; Park & Rec Capital Improvement \$7.70; Cemetery Special Care \$15.23; Debt Service \$40,988.22; Road Use Equipment \$30.55; CDBG Storefront Project \$1,868.20; FEMA Flood Buyout Program \$0; 2016 Capital Projects \$103,350.00; Doherty Addn. \$0.00; Emergency Set-Aside \$12.64; Oak Hill Perpetual Care \$0; Water Utility \$85,861.11; Water Utility – Industrial \$43.15; South Water Main Extension Project \$0; Water Main Project Bond & Interest \$0; Water System Maintenance \$9,749.11; Sewer Utility \$90,820.17; Sewer Utility – Industrial \$29.75; Sewer Facility Bond & Interest \$30,292.33; Sewer System Maintenance \$14,893.32; CDBG Sanitary Sewer \$0; Aviation Authority \$2,031.22; Solid Waste \$26,412.22; Landfill \$32,737.75; Storm Sewer Utility - \$7,063.47; Self-Insurance \$27.76; Police Dept. Special Acct. \$0.

May Police Report

Class B Beer Permit for Pizza Hut

Class C Liquor License for Gasthaus Bar & Grille

Class E Liquor License for Liquor on the Corner

Class C Liquor License for Family Table Restaurant

Class C Liquor License for V.F.W. Post #2253

Bills totaling \$1,570,840.16

ABSOLUTE SCIENCE	SRP EVENT	\$350.00
AHLERS & COONEY P.C.	URBAN RENEWAL	\$494.64
AHLERS & COONEY P.C.	ANNEXATION	\$400.00
AHLERS & COONEY P.C.	WILSON SCHOOL NUISANCE	\$3,768.00
ALLIANT ENERGY	GAS	\$516.84
ALLOY SPECIALTY, INC.	FEMA ASBESTOS PLANS	\$750.00
ALPHA WIRELESS	BATTERY	\$124.00
AL'S CORNER OIL CO.	PARK FUEL	\$36.41
ALYSSA A. HERBOLD PLC.	WILSON SCHOOL NUISANCE	\$1,715.42
ALYSSA A. HERBOLD PLC.	5/17 LEGAL SERVICE	\$4,833.00
ARMOND RIDER	6/17 CELL PHONE REIMBURSEMENT	\$50.00

ATIRA MASTERCARD	MISCELLANEOUS ITEMS	\$303.00
BANKERS TRUST CO.	BANKERS TRUST CO. GO BOND PYMT	\$680,276.87
BETTER HOMES & GARDENS	SUBSCRIPTION RENEWAL	\$11.98
BICYCLING	SUBSCRIPTION RENEWAL	\$19.94
BLAINE'S WATER CONDITIONING	COOLER & SOFTNER RENT & WATER	\$204.10
BLOOMING HOUSE	FLOWERS-POOL, C. CENTER	\$86.89
BOMGAARS	OPERATING SUPPLIES	\$3,490.75
BOOK PAGE	SUBSCRIPTION	\$324.00
BRAD'S TIRE SERVICE	MOWER OIL FILTER	\$16.95
BROWN SUPPLY CO.	FLANGE FOR POOL, SIGN BRACKETS	\$518.10
BUGH WELDING	STEEL FOR VALVE KEYS	\$36.57
BUILDERS SHARP. & SERVICE	OIL FILTER, MOWER CLUTCH	\$207.88
CALIBRE PRESS	STREET SURVIVAL CLASS	\$229.00
CARROLL DISTRIBUTING	ANCHORS	\$71.13
CARUS CORPORATION	CALCIQUEST LIQUID	\$1,280.00
CHAMPION ELECTRIC, INC.	LIGHT REPAIRS	\$1,497.60
CHAMPION ELECTRIC, INC.	CITY HALL LED LIGHTS	\$4,030.51
CHEROKEE AREA ECONOMIC	FY17 4TH QTR. CONTRIBUTION	\$3,457.50
CHEROKEE AUTO PARTS	VEHICLE PARTS	\$433.90
CHEROKEE CO. SOLID WASTE	CITY WIDE CLEAN UP, 5/17 ASSESSMENT	\$29,890.51
CHEROKEE CO. WORK SERVICE	CLEAN SHOP TOWELS	\$2.73
CHEROKEE COUNTY RECORDER	RECORD 2 DOCUMENTS	\$54.00
CHEROKEE REGIONAL MED. CENTER	DRUG SCREENING	\$68.00
CHESTERMAN COMPANY	POP FOR POOL CONCESSION	\$427.20
CHRONICLE TIMES	LEGAL PUBLICATIONS	\$1,286.91
CINTAS	FIRST AID SUPPLIES	\$354.62
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$628.88
CONTROL SYSTEM SPECIALISTS	CHECK BELTS & BEARINGS	\$96.10
COUNSEL	COPY CONTRACTS & OVERAGE	\$387.72
COUNTRY SUBSCRIPTION	SUBSCRIPTION RENEWAL	\$29.98
COUNTRY TIRE & SERVICE	NEW TIRE & BALANCE	\$599.04
DAVE ELLIS	POOL DECORATIONS	\$157.51
DEMCO, INC.	SUPPLIES	\$91.53
DIAMOND VOGEL PAINTS	PAINT	\$571.64
DUANE MUMMERT	6/17 CELL PHONE REIMBURSEMENT	\$35.00
FAREWAY STORES, INC.	SUPPLIES	\$146.60
FARM COLLECTOR	SUBSCRIPTION RENEWAL	\$34.95
FARNER-BOCKEN COMPANY	POOL CONCESSIONS	\$1,942.55
FASTENAL COMPANY	PUMP BOLTS	\$100.89
FIRST ABSTRACT & LOAN	315 E. WILLOW ABSTRACT-FEMA	\$200.00
FIRST ABSTRACT & LOAN	310 E. MAPLE ABSTRACT-FEMA	\$200.00
FIRST ABSTRACT & LOAN	429 E. CEDAR ABSTRACT-FEMA	\$200.00
FIRST ABSTRACT & LOAN	330 E. MAIN ABSTRACT-FEMA	\$250.00
FOLLETT SCHOOL SOLUTIONS	LICENSE RENEWAL	\$1,369.45
FOUNDATION ANALYTICAL LAB	WATER & WASTE WATER SAMPLES	\$523.00
GARY JOBE	REIMBURSEMENT FOR FEMA ABSTRACT	\$280.00

GEORGE SCHMIDT	6/17 CELL PHONE REIMBURSEMENT	\$35.00
GM CONTRACTING, INC.	SOUTH SIDE WATER MAIN EXT.	\$248,496.30
GREG EATON, FIRE CHIEF	FIREMAN PAYROLL	\$735.00
GROUND EFFECT LP	MULCH FOR NODES	\$599.85
GROUP RESOURCES/THREE RIVER	CLAIMS, 6/17 ADMIN FEES.	\$8,599.14
GRUNDMAN-HICKS L.L.C.	CDBG SANITARY SEWER PROJECT	\$24,104.97
HACH CO.	LAB SUPPLIES	\$404.20
HALLETT MATERIALS	CLASS A STONE	\$78.66
HEARTLAND BACKFLOW INC.	BACKFLOW TESTING	\$1,061.39
HILLYARD	TRASH LINERS	\$115.94
HOLZHAUER MOTORS, LTD.	OIL CHANGE	\$39.95
HOTSY EQUIPMENT CO.	POWERSHINE	\$534.00
HY-VEE, INC.	LATEX GLOVES	\$60.00
IACMA	FY 17/18 MEMBERSHIP	\$150.00
ICMA	MEMBERSHIP RENEWAL	\$790.63
IOWA COMM. ASSURANCE POOL	ADDN PREM. AIRPORT HANG	\$807.73
IOWA COMM. ASSURANCE POOL	RESTITUTION	\$100.00
IOWA DEPT./PUBLIC HEALTH	POOL & SLIDE REGISTRATION	\$180.00
IOWA FINANCE AUTHORITY	SFR PRIN & INT. PAYMENTS	\$343,314.25
JACK'S UNIFORMS & EQUIPMENT	VEST CARRIER	\$149.90
JANITOR'S CLOSET, LTD.	TOILET TISSUE	\$176.72
JOHN MEIS	ROOSEVELT ST., SIMPCO MEETING	\$367.45
JOVANY SANCHEZ	UTILITY BILL REFUND	\$28.95
JUDY GRIENKE-MILLER	ROLLER KIT FOR PRINTER	\$10.99
KARLA VAN ROEKEL	REFUND 1/2 OF YOUTH CENTER	\$72.50
KELLEN EXCAVATING	N 1ST ST. WATER PLANT DEMO	\$54,000.00
K-MART #9222	SHOWER CURTAINS	\$25.47
LIBRARY & EDUCATIONAL SERV	BOOKS	\$332.46
LISA HARE	POOL SUPPLIES	\$53.10
MAYNARD STEWARD	FEMA REPLACEMENT HOUSING	\$2,137.50
MELISSA MALLISON	FEMA RELOCATION ASSISTANCE	\$966.00
METERING & TECHNOLOGY SOL.	BARE METER & PARTS	\$997.86
MID AMERICAN ENERGY	ELECTRICITY	\$971.24
MILLER, MILLER, MILLER, PC	FEMA BUYOUT-330 E. MAIN ST.	\$1,150.00
MODERN HEATING & COOLING	SINKS & FAUCETS, PARTS	\$1,583.92
MOTOR PARTS SALES	ALTERNATOR	\$136.31
MUNICIPAL SUPPLY, INC.	WATER METERS & SMARTPOINTS	\$5,654.31
NATE JAMES	6/17 CELL PHONE REIMBURSEMENT	\$50.00
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$1,111.61
OVERHEAD DOOR CO.	GARAGE DOOR & INSTALLATION	\$4,709.00
PETTY CASH	POOL START UP MONEY	\$270.00
PETTY CASH - LIBRARY	POSTAGE, PAPERS, SUPPLIES	\$124.88
PILOT ROCK SIGNS	ACRYLIC FOAM TAPE, SIGNS & BRACKETS	\$1,122.75
PIZZA HUT	CITY WIDE CLEAN UP PIZZA	\$283.28
REINERT MACHINE SHOP	MOTOR MOUNTS, POOL PARTS	\$198.59
RENAISSANCE RESTORATION INC	CDBG STOREFRONT PROJECT	\$48,727.10

ROXANNE BUTE	FEMA RELOCATION ASSISTANCE	\$1,100.00
SAM KOOIKER	6/17 CELL PHONE REIMB, MEAL & TIP	\$63.00
SANITARY SERVICES	5/17 GARBAGE PICK UP	\$25,258.20
SCE, LLC	DRINKING FOUNTAIN REPAIRS	\$76.28
SCOTT O'CONNELL	UTILITY BILL REFUND	\$125.23
SHARE CORPORATION	TOILET CLEANERS	\$147.40
SHIELD TECHNOLOGY CORP.	SHIELDWARE RENEWAL	\$1,320.25
SIMMERING-CORY, INC.	CDBG STOREFRONT GRANT	\$6,000.00
SIOUX SALES COMPANY	POLO SHIRT	\$59.95
SJE RHOMBUS	BEECH ST. STAM REPLCMNT, FLEX BILLING	\$15,356.00
STEVE'S WINDOW SERVICE	CLEAN LIBRARY WINDOWS	\$90.00
SYNCHRONY BANK/AMAZON	DVD'S	\$169.40
THE ACCURATE COURT REPORTER	QUARTERLY SUBSCRIPTION	\$39.00
THE BOOK VINE	BOOKS	\$699.73
TODD LARSEN	6/17 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	6/17 CELL PHONE REIMBURSEMENT	\$35.00
TRUCK EQUIPMENT INC.	SWEEPER BROOMS	\$808.00
UNITED STATES CELLULAR	CELL PHONES	\$84.53
UNITYPOINT CLINIC-OCC. MED	DRUG TEST	\$42.00
USPS	UTILITY BILL POSTAGE	\$315.14
VALLEY VETERINARY CENTER	K-9 MEDS	\$56.40
VERIZON WIRELESS	HOT SPOT	\$80.02
WALDNER'S LAWN SERVICE	LAWN CARE	\$110.00
WEX BANK	FUEL	\$3,200.15
WIESE OIL & SUPPLY CO., LT	PROPANE, FUEL	\$3,164.91
WINDSTREAM	TELEPHONE & INTERNET	\$486.49
WINTHER, STAVE & CO., LLP	BOND REQUIRMENTS, CONSULT	\$400.00
WOODALL ELECTRIC	MISCELLANEOUS REPAIRS	\$5,124.50
YOUR FLEETCARD PROGRAM	PARK FUEL	\$385.69
ZACH FREKING-SMITH	MILEAGE, FRAMES	\$125.20
ZACH WOODS	FEMA RELOCATION ASSISTANCE	\$800.00

Approve Submittal of Revised Wastewater Nutrient Study

Greg Sindt with Bolton & Menk gave an overview of a revised wastewater nutrient study to be submitted to the DNR, reflecting that DNR staff indicated to City staff that no modifications are necessary to the treatment plant to reduce nitrogen and phosphorus removal at this time. The Mayor expressed appreciation to George Schmidt, plant operator, for his work on this study, saving the City a considerable amount of money. Motion by Brown, seconded by Pingel, approved the submission of the Revised Wastewater Study. Roll call was: AYES: All. NAYES: None.

Authorize Final Payment & Close-out of Sanitary Sewer Abandonment Project

Motion by Agnitsch, seconded by Miller, authorized the final payment of \$24,104.97 to the contractor, Grundman-Hicks, and authorized the close out of the CDBG Sanitary Sewer Project. Roll call was: AYES: All. NAYES: None.

Insurance Renewals

Terri Brown of Perspective Insurance gave a brief overview of the City's worker's comp and pollution liability policies. The premium for FY17-18 is about \$35,000 lower than last year due to a lower mod factor. The company did make an error in the mod quote resulting in a savings to the city of about \$5,000 - \$6,000 but they have agreed to give us the lower rate. An amendment to include the skatepark liability will result in an increased premium charge of \$250, but this increase will not be reflected until the 2018-19 renewal. On a motion by Miller, seconded by Brown, the council authorized the insurance renewals for worker's comp policy, pollution liability policy, and amended the liability policy to include the eastside skatepark. Roll call was: AYES: All. NAYES: None.

Downtown Façade Project

Kooiker explained a downtown façade project change order for 200 W. Main St. After negotiating with the contractor the change order cost has dropped from over \$14,000 to around \$5,694, which is the best price that he and the city attorney could negotiate. Motion by Pingel, seconded by Miller, approved change orders for 200 W. Main St. and 126 E. Main St. Roll call was: AYES: All. NAYES: None

Executive Session – former Wilson School building

Pingel made a motion, seconded by Agnitsch, to go into Executive Session for the purpose of Litigation Strategy (closed pursuant to Iowa Code 21.5(1)(c) at 8:23 p.m. Roll call was: Present: Agnitsch, Brown, Johnson, Miller, Pingel, City Attorney Herbold, City Administrator Kooiker and City Clerk Cargin. Johnson made a motion, seconded by Miller, to resume open session at 9:28 p.m. Roll call was: Present: Agnitsch, Brown, Johnson, Miller, Pingel, City Attorney Herbold, City Administrator Kooiker and City Clerk Cargin.

Resolution #17-36 Setting Public Hearing as Requested by Rick and Karen Swain

Pingel made a motion, seconded by Agnitsch, to set the date and time for a Public Hearing as requested by Rick and Karen Swain for Tuesday, July 25, 2017, at 7:00 p.m. Roll call was: AYES: All. NAYES: None.

Adjournment

Pingel made a motion to adjourn, seconded by Miller. All voted aye. The meeting was adjourned at 9:34 p.m.

Media Present: Nikki Thunder, *KCHE Radio*.
Ken Ross, *Chronicle Times*

Mark Murphy, Mayor

ATTEST:

Diane Cargin
City Clerk Treasurer