

**CITY COUNCIL MINUTES  
TUESDAY, JULY 11, 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, Johnson, Miller, Pingel, City Administrator Kooiker, City Clerk-Treasurer Cargin. Absent was Councilperson Brown and City Attorney Herbold.

**Changes/Additions to Agenda**

Item #5.01 Authorization to Sign Quote for W. Elm Railroad crossing was added to the agenda.

**Public Forum**

Curt Johnson, on behalf of the stockholders, board of directors and staff of Cherokee State Bank presented the City with a donation in the amount of \$5,000 toward the purchase of the aerial fire truck. The council thanked Curt for this generous contribution.

**Condition of 500 W. Maple St.**

Vivian Schleef spoke on behalf of the owner of the property at 500 W. Maple St. She and her husband have been making slow progress on the rehabilitation of the structure. They are working on it when they have time, but due to health problems and job commitments it is going to take time. She has no idea when the work will be completed. Vivian acknowledged that the roof and soffit have leaked and there are structural issues with the house, particularly with the porch. Pingel made a motion, seconded by Miller, to put this item on the agenda for the Aug. 22, 2017, council meeting, and if at that time the owner cannot give a firm date for completion of all painting the council will consider taking other action including possible condemnation. Roll call was: AYES: All. NAYES: None.

**Ordinance #645 Amending Official Zoning Map**

Kooiker thanked Nate Cockburn of the Cherokee County Assessor's office for all of his work on the zoning map, he did a tremendous job. The proposed map is available at City Hall. On a motion by Miller, seconded by Pingel, the council approved the second reading and waived the third reading of Ordinance #645, an Ordinance Amending the Official map and the zoning districts to rezone 101 Sequoia Dr. to a new classification of "A-1" agricultural and conservation district and ordered its publication. Roll call was: AYES: All. NAYES: None.

**Ordinance #646 Amending Official Zoning Map**

Motion by Miller, seconded by Pingel, to approve the second reading and waive the third reading of Ordinance #646 amending the official zoning map and the zoning districts to rezone 943 and 945 Amber Drive from its present classification of "R-2" multiple family residential district to a new classification of "R-1" single and two-family residential district and ordering its publication. Roll call was: AYES: All. NAYES: None.

**Ordinance #647 Amending Official Zoning Map**

Motion by Miller, seconded by Pingel, to approve the second reading and waive the third reading of Ordinance #647 amending the official zoning map and the zoning districts to rezone the Doherty's 2nd addition from its present classification of "A-1" agricultural and

conservation district to “R-1” single and two-family residential district and ordering its publication. Roll call was: AYES: All. NAYES: None.

**Ordinance #648 Amending Official Zoning Map**

Motion by Miller, seconded by Pingel, to approve the second reading and waive the third reading of Ordinance #648 amending the official zoning map and the zoning districts to re-zone the Haselhoff’s 1st addition from its present classification of “A-1” agricultural and conservation district to “R-1” single and two-family residential district and ordering its publication. Roll call was: AYES: All. NAYES: None.

**Ordinance #649 Amending Official Zoning Map**

Motion by Miller, seconded by Pingel, to approve the second reading and waive the third reading of Ordinance #649 amending the official zoning map and the zoning districts to re-zone the real property described below from its present classification of “R-1” single and two-family residential district to “R-2” multiple family residential district (Roosevelt Apts) and ordering its publication. Roll call was: AYES: All. NAYE: None.

**Ordinance #650 Amending Official Zoning Map**

Motion by Miller, seconded by Pingel, to approve the second reading and waive the third reading of Ordinance #650 amending the official zoning map and the zoning districts to re-zone the real property at 201½ S 6th street from its present classification of “C-2” general retail/wholesale business district to a new classification of “R-2” multiple family residential district (6<sup>th</sup> and Maple Apts) and ordering its publication. Roll call was: AYES: All. NAYES: None.

**Ordinance #651 Amending Official Zoning Map**

Motion by Miller, seconded by Pingel, to approve the second reading and waive the third reading of Ordinance #651 amending the official zoning map and the zoning districts to re-zone the real property described below from its present classification of “C-1” general retail business district to “R-2” multiple family residential district (Cherokee School District) and ordered its publication. Roll call was: AYES: All. NAYES: None.

**Public Hearing – Written Application for Annexation**

At 7:21 p.m. the Mayor opened a Public Hearing on the voluntary annexation petition for property owned by Adam and Jana Timmerman. As there were no oral or written comments, the Mayor closed the public hearing at 7:22 p.m.

**Resolution #17-41 Approving Written Application for Annexation**

Motion by Pingel, seconded by Miller, adopted Resolution #17-41, a Resolution Approving Written Application for Annexation of Certain Lands (Timmerman Property.) Roll call was: AYES: All. NAYES: None.

**Ordinance #653 Clarifying Trailer Parking in R-1 Zoning District**

Motion by Miller, seconded by Agnitsch, approved the first reading of Ordinance #654, an Ordinance Amending the Zoning Regulations to Clarify Trailer Parking in R-1 Zoning District. This ordinance repeals one section of city code in order to clarify two sections that are in conflict with each other. Roll call was: AYES: All. NAYES: None.

**Ordinance #654 Adding Penalties for Violation of Street Use & Maintenance Code**

Motion by Agnitsch, seconded by Miller, approved the first reading and waived the second and third readings of Ordinance #654, an Ordinance Adding Penalties for Violations of Street Use and Maintenance Chapter of Code, and ordering its publication. Roll call was: AYES: All. NAYES: None. This ordinance changes the penalty for unlawful discharge of debris into the City's streets and alleys from a municipal infraction with a default penalty from \$500 to \$750 to a set first time violation fine of \$65, and a \$100 fine for subsequent violations. Agnitsch expressed frustration that this ordinance has not been enforced in the past and the grass and debris being thrown/blown into the street looks bad and plugs the storm sewer system. Chief James replied that having a set fine will aid in enforcing the ordinance and it will be enforced.

**Resolution #17-42 Authorizing Payment to Doherty Addition Fund**

Miller made a motion, seconded by Pingel, to adopt Resolution #17-42, a Resolution Authorizing Payments to Close out the Doherty Addition Fund. This fund has had a negative balance of \$15,704 for several years, resulting from the purchase of unsold lots in the Doherty Addition from the original developer with money borrowed from other funds with the understanding that as the lots were sold, this account would be reimbursed. The account would run a deficit balance until all the lots were sold. Because the lots did not sell at market value and were later transferred into the name of the Cherokee Community Foundation so that they could be sold at a greatly reduced price, there has been insufficient income from the sale of the lots to reimburse the fund. \$7,399.63 will be transferred from the Revolving Loan Fund and the remaining \$8,104.37 will be transferred from the general fund to clear the negative balance. Roll call was: AYES: All. NAYES: None.

**Resolution #17-43 Supporting Workforce Housing Tax Incentive Program Application**

Motion by Miller, seconded by Pingel, to adopt Resolution #17-43, a Resolution in Support of a Workforce Housing Tax Incentive Program Application to be submitted to IEDA by Cherokee Development LLC for a housing project located at Valley View Drive. The City's match for this project will be in the form of a tax abatement on each home of 100% of the first \$75,000 of increased valuation for five years. Roll call was: AYES: All. NAYES: None.

**Consent Agenda**

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

City Council Minutes of June 27, 2017.

Parks & Recreation Advisory Committee Minutes of June 26, 2017.

Class C Liquor License for Tanner's Last Chance.

Tax Abatement Applications for 413 Valley View Dr., 415 Valley View Dr., 417 Valley View Dr., 419 Valley View Dr.

June Police Report

June Treasurer's Report and Receipts as follows: General \$178,607.00; Police Forfeiture \$498.05; County Library \$3,501.89; Road Use \$54,443.46; Employee Benefits \$7,725.27; Emergency \$364.74; Local Option Sales Tax \$80,835.34; Hotel/Motel Tax \$16,298.02; Tax Increment Financing \$65.67; Revolving Loan \$2,031.12; Library Memorial \$1,225.39; Park & Rec Capital Improvement \$7.39; Cemetery Special Care \$14.77; Debt Service \$406,887.33; Road Use Equipment \$35,027.83; CDBG Storefront Project \$108,894.67;

FEMA Flood Buyout Program \$151.00; 2016 Capital Projects \$70,350.00; Doherty Addn. \$0.00; Emergency Set-Aside \$19,811.82; Oak Hill Perpetual Care \$340.65; Water Utility \$56,536.21; Water Utility – Industrial \$42.15; South Water Main Extension Project \$0; Water Main Project Bond & Interest \$73,537.00; Water System Maintenance \$9,621.81; Sewer Utility \$84,833.78; Sewer Utility – Industrial \$29.04; Sewer Facility Bond & Interest \$30,292.33; Sewer System Maintenance \$15,015.86; CDBG Sanitary Sewer \$15,040.00; Aviation Authority \$202.68; Solid Waste \$25,484.49; Landfill \$31,225.67; Storm Sewer Utility - \$6,806.10; Self-Insurance \$27.11; Police Dept. Special Acct. \$.53.

Bills totaling \$713,921.38

ACCO	POOL CHEMICALS	\$891.00
AHLERS & COONEY P.C.	URBAN RENEWAL AREAS, ANNEXATION	\$721.00
AHLERS & COONEY P.C.	WILSON SCHOOL NUISANCE	\$1,705.50
ALLIANT ENERGY	GAS	\$211.86
ALLOY SPECIALTY, INC.	CDBG FACADE ASBESTOS	\$175.00
ALPHA WIRELESS	PORTABLE RADIO	\$2,292.26
AL'S CORNER OIL CO.	DIESEL	\$11.09
ALYSSA A. HERBOLD PLC.	6/17 LEGAL SERVICE	\$2,862.00
ALYSSA A. HERBOLD PLC.	6/17 WILSON SCHOOL NUISANCE	\$594.22
ARMOND RIDER	7/17 CELL PHONE REIMBURSEMENT	\$50.00
ATIRA CREDIT MASTERCARD	MISC. ITEMS	\$4,574.96
AURELIA LUMBER COMPANY	WOOD & SCREWS	\$68.79
BENSON CONSTRUCTION	1/2 SHINGLING CITY HALL	\$7,723.33
BLAINE'S WATER CONDITIONIN	SOFTNER RENT, WATER	\$302.90
BLOOMING HOUSE	MEMORIAL DAY FLOWERS	\$3,453.00
BOLTON & MENK, INC.	W. ELM STORM SEWER	\$1,011.75
BOLTON & MENK, INC.	CHIP SEAL STREETS	\$3,013.25
BOLTON & MENK, INC.	BRIDGE INSPECTIONS	\$160.00
BOLTON & MENK, INC.	SOUTH SIDE WATER MAIN PROJECT	\$6,560.50
BOMGAARS	OPERATING SUPPLIES	\$567.17
BRAD'S TIRE SERVICE	BAD BOY OUTLAW MOWER, REPAIRS	\$6,368.27
BROWN SUPPLY CO.	HOSE	\$159.16
	REPAIR SNOW PLOW MOUNT & MANHOLE	
BUGH WELDING	RISER	\$1,652.89
BUILDERS SHARP. & SERVICE	JOHN DEERE MOWERS, WEED EATERS	\$22,995.10
BUILDERS SHARP. & SERVICE	RETAINER, OIL, CUTTING HEADS	\$171.49
CARROLL DISTRIBUTING	HOT ROLL STAKE	\$39.00
CARUS CORPORATION	CALCIQUEST LIQUID, CAIROX FF	\$2,287.25
CHAMPION ELECTRIC, INC.	REPAIR EXHAUST FAN	\$372.49
CHEROKEE AUTO PARTS	OIL & FUEL FILTERS	\$41.67
CHEROKEE CO. SOLID WASTE	6/17 ASSESSMENT	\$29,688.51
CHEROKEE CO. SOLID WASTE	FEMA DEMO - 330 E. MAIN ST.	\$1,467.90
CHEROKEE COMMUNITY SCHOOL	FUEL CITY WIDE CLEAN UP BUS	\$50.40
CHRONICLE TIMES	LEGAL PUBLICATIONS	\$985.29
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$434.77
CORE-MARK MIDCONTINENT, IN	POOL CONCESSIONS	\$3,761.01
COUNSEL	COPY CONTRACTS & OVERAGE	\$165.28
CRESCENT ELECTRIC	CAMPING METERS	\$591.77

DUANE MUMMERT	7/17 CELL PHONE REIMBURSEMENT	\$35.00
FELD FIRE	FIRE SUPPLIES	\$1,374.46
FIRST ABSTRACT & LOAN	435 E. CEDAR ABSTRACT-FEMA	\$250.00
FOUNDATION ANALYTICAL LAB	WASTEWATER SAMPLES	\$363.00
GEORGE SCHMIDT	7/17 CELL PHONE REIMBURSEMENT	\$35.00
GM CONTRACTING, INC.	SOUTH SIDE WATER MAIN PROJECT	\$287,749.92
GREG EATON, FIRE CHIEF	FIREMAN PAYROLL	\$875.00
GROUP RESOURCES/THREE RIVE	FLEX SPENDING, CLAIMS THROUGH 7/5/17	\$2,740.37
HILLYARD	TOWELS, TOILET TISSUE	\$106.34
HOLZHAUER MOTORS, LTD.	OIL CHANGE	\$26.83
IOWA COMM. ASSURANCE POOL	ICAP REIMB. T. PEDERSEN RESTIT	\$100.00
IOWA LEAGUE OF CITIES	FY18 MEMBER DUES	\$2,571.00
JESSICA BIEBER	LIFEGUARD RECERTIFICATION	\$105.00
K-MART #9222	OPERATING SUPPLIES	\$170.30
KOENIG PORTABLE TOILETS	PORTABLE TOILET	\$100.00
MID AMERICAN ENERGY	ELECTRICITY	\$1,507.30
MIDWEST LIVING	SUBSCRIPTION RENEWAL	\$19.97
MILLER, MILLER, MILLER, PC	315 E. WILLOW PURCHASE-FEMA	\$48,000.00
MILLER, MILLER, MILLER, PC	429 E. CEDAR PURCHASE-FEMA	\$33,000.00
MILLER, MILLER, MILLER, PC	L. REINERT PURCHASE-FEMA	\$35,000.00
MILLER, MILLER, MILLER, PC	FEMA CLOSING-WALDNER	\$1,150.00
MILLER, MILLER, MILLER, PC	FEMA CLOSING-REINERT	\$1,150.00
MILLER, MILLER, MILLER, PC	FEMA CLOSING-DEYOUNG	\$1,150.00
MODERN HEATING & COOLING	WATER HEATER REPAIRS	\$74.00
NATE JAMES	7/17 CELL PHONE REIMBURSEMENT	\$50.00
NORTH CENTRAL LABS	GLASS FILTER, NUTRIENT SET	\$157.80
OGDEN PUBLICATIONS	SUBSCRIPTION RENEWAL	\$32.00
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$939.34
O'REILLY AUTOMOTIVE STORES	WIPER BLADES	\$37.96
PARTY FUN RENTALS, LLC	MOVIE SCREEN RENTAL	\$309.99
PETTY CASH - LIBRARY	POSTAGE, PAPERS, SUPPLIES	\$259.20
RADAR ROAD TEC	RADAR TEST	\$72.00
REINERT MACHINE SHOP	CUT MANHOLE COVER, DRILL BLADE	\$203.54
RENAISSANCE RESTORATION IN	CDBG STOREFRONT PROJECT	\$73,791.88
RON'S REPAIR, INC.	BRAKE REPAIRS	\$898.88
SAM KOOIKER	7/17 CELL PHONE REIMBURSEMENT	\$50.00
SAM KOOIKER	ICMA CONF. AIR PLANE TICKET	\$276.46
SAM KOOIKER	ICMA CONF. REGISTRATION	\$705.00
SANITARY SERVICES	6/17 GARBAGE PICK UP	\$25,244.85
SHARE CORPORATION	GOOD GRAPE	\$239.25
SIMPCO	FEMA GRAND ADMINISTRATION	\$1,059.60
SJE RHOMBUS	FY18 1ST QTR. FLEX BILLING	\$2,500.00
STEVE'S WINDOW SERVICE	CLEAN LIBRARY WINDOWS	\$90.00
SUPER CITY DOTS, LLC	DIPPIN' DOTS	\$955.20
SWANK MOTION PICTURE	THE GOONIES LICENSE	\$385.00
TCY MACHINE	3 MANHOLE RISERS	\$559.62

THE BOOK VINE	BOOKS	\$25.31
TODD LARSEN	7/17 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	7/17 CELL PHONE REIMBURSEMENT	\$35.00
TYLER TECHNOLOGIES	FY18 ANNUAL SOFTWARE MAINT.	\$7,342.00
UNITED STATES CELLULAR	CELL PHONES	\$99.63
USPS	UTILITY BILL POSTAGE	\$314.86
UTILITY SERVICE CO., INC.	ANNUAL CONTRACT-MHI TANK	\$12,077.04
UTILITY SERVICE CO., INC.	ANNUAL CONTRACT-HILL ST. TANK	\$17,304.84
UTILITY SERVICE CO., INC.	ANNUAL CONTRACT-TYSON TANK	\$5,680.00
UTILITY SERVICE CO., INC.	ANNUAL CONTRACT-HIGHWAY TANK	\$29,759.47
VANITY FAIR	SUBSCRIPTION RENEWAL	\$48.00
VERIZON WIRELESS	HOT SPOTS	\$80.04
WATCHFIRE SIGNS	5 YEAR DATA PLAN ELECTRONIC SIGN	\$520.00
WEX BANK	FUEL	\$3,070.53
WIBE & PHILLIPS	LEGAL SERVICE	\$80.00
WIESE OIL & SUPPLY CO., LT	FUEL	\$1,677.58
WINDSTREAM	TELEPHONE	\$153.35
WOODALL ELECTRIC	SEWER PLANT REPAIRS	\$668.00
YOUR FLEETCARD PROGRAM	PARK FUEL	\$297.84

### **W. Elm Railroad Crossing**

Motion by Agnitsch, seconded by Miller, to authorize the Mayor to sign and accept the quote in the amount of \$17,940 for Blacktop Services as a cost share with CN railroad for the repair of the W. Elm St. crossing. The work will cover replacing the paving between the two tracks and replacing more of the approaches to fix it correctly. The railroad is planning on replacing the tracks prior to the next council meeting and has agreed to pay half of the Blacktop Services work. Roll call was: AYES: All. NAYES: None.

### **Adjournment**

Agnitsch made a motion to adjourn, seconded by Miller. All voted aye. The meeting was adjourned at 7:36 p.m.

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

Mark Murphy, Mayor

ATTEST:

Diane Cargin  
City Clerk Treasurer