

**CITY COUNCIL MINUTES  
TUESDAY, SEPTEMBER 26, 2017  
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 and City Clerk-Treasurer Cargin.

**Ordinance #660 Amending Restrictions Pertaining to Alley Parking**

Motion by Agnitsch, seconded by Miller, approved the second reading and waived the third reading of Ordinance #660, an Ordinance Amending the Restrictions Relating to Parking in Alleys and ordered its publication. Roll call was: AYES: All. NAYES: None

**Resolution #17-53 Accepting Tyson's Offer of Industrial Utility Funds**

The Tyson industrial utility funds have a combined escrowed balance of \$237,643.75. This is \$612,947.23 short of the estimated \$850,490.09 needed to bring the industrial plant up to par to operate as a fully processing facility. Tyson has agreed to allow the City to keep these funds, in return the City agrees not to seek additional funds. Kooiker thanked Armond Rider, Alyssa Herbold and Bethany Pautsch (Tyson) for their help in coming to this agreement. Motion by Miller, seconded by Brown, adopted Resolution #17-53, a Resolution Accepting Tyson's Offer of Remaining Escrowed Industrial Utility Funds. Roll call was: AYES: All. NAYES: None.

**Resolution #17-54 Authorizing Lease of Land Near Wastewater Plant**

Motion by Brown, seconded by Agnitsch, to adopt Resolution #17-54, a Resolution Authorizing Lease of 11 Acres of land near the Wastewater Treatment Plant to Phillip Stowater and Ryan Stowater commencing March 1, 2018, and ending February 28, 2020, but requested that it be noted in the minutes that he is not in favor of cutting down more trees and expanding the acreage. Roll call was: AYES: All. NAYES: None.

**Ordinance #661 Related to Landfill & Garbage Collection Fees**

Kooiker explained that Ordinance #661, an Ordinance to Reinstate a Code Section Deleted by Ordinance #639 Regarding the Landfill and Garbage Collection Fees corrects an error and re-adds Section 2 from the original ordinance back in. Motion by Will, seconded by Johnson, approved the first reading and waived the second and third readings of Ordinance #661 and ordered publication. Roll call was: AYES: All. NAYES: None.

**Resolution #17-55 Terminating Lease of Real Estate to Cherokee Work Services**

Motion by Brown, seconded by Pingel, adopted Resolution #17-55, a Resolution Approving Termination of Lease of Real Estate to Cherokee County Work Services. Roll call was: AYES: All. NAYES: None.

## Consent Agenda

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

City Council minutes of September 12, 2017

Parks & Recreation Advisory Board minutes of September 11, 2017

Utility write-offs of \$29.13 for 605 Pleasant View and \$74.13 for 222 S. 9th.

Acceptance of Tobacco Violation Settlement – HyVee Gas

Re-appointment of Claudia Comstock to the Zoning Board of Adjustment

Class B Wine Permit for The Book Vine

Class E Liquor License for Hy-Vee Food Store

Bills totaling: \$83,595.11

ABBIE KOOIKER	1ST LG REIMBURSEMENT	\$65.00
ADDISYN JENSEN	1ST WSI REIMBURSEMENT	\$65.00
ALISANNE STRUCK	2ND LG REIMBURSEMENT	\$65.00
ALLIANT ENERGY	GAS	\$956.27
ARROWHEAD RESORT	LODGING/DC	\$118.96
ASHA LOUTSCH	2ND LG, 1ST WSI REIMB.	\$130.00
ATIRA CREDIT MASTERCARD	MISC. CHARGES	\$849.74
AWWA - IOWA SECTION	TRAINING REGISTRATION - 3	\$135.00
BAKER & TAYLOR INC.	BOOKS	\$1,066.67
BENSON CONSTRUCTION	REBAR	\$367.20
BOLTON & MENK, INC.	2017 ON CALL ENGINEERING	\$1,575.00
BOLTON & MENK, INC.	2017 STREET PROJECTS	\$570.00
BOLTON & MENK, INC.	SOUTH SIDE WATER MAIN EXT.	\$10,692.75
BOMGAARS	OPERATING SUPPLIES	\$196.13
BRAD'S TIRE SERVICE	LAWN MOWER BELT	\$79.95
BROOKLYN WISSBAUM	2ND LG, 1ST WSI REIMB.	\$130.00
BUILDERS SHARP. & SERVICE	SQUARE LINE, OIL	\$86.35
CARUS CORPORATION	CALCIQUEST LIQUID	\$2,049.00
CENTRAL IOWA DIST. INC.	DEGREASER, TRASH BAGS	\$315.10
CHEROKEE AVIATION AUTHORITY	PROPERTY TAX DRAW	\$2,171.43
CHEROKEE CO. TREASURER	PRO-RATED TAXES - 241 E MAIN	\$55.17
CHEROKEE REG. MEDICAL CENTER	PD PHYSICAL PRE ACADEMY	\$804.00
CHRIS HORTON	MEAL - CHRIS HORTON	\$12.95
CINTAS	FIRST AID SUPPLIES	\$22.29
COUNSEL	COPY CONTRACTS & OVERAGE	\$204.36
COUNTRY TIRE & SERVICE	REPAIR TIRE	\$35.70
CREATIVE SERVICES	SOCCER COACHES SHIRTS	\$397.33
CROSSROADS OF WESTERN IOWA	CLEAN TOWELS	\$36.54
ELECTRONIC ENGINEERING	NEW RADIO	\$1,115.08
EMMA JENSEN	1ST LG REIMBURSEMENT	\$65.00
FAREWAY STORES, INC.	LIBRARY SUPPLIES	\$14.05
FASTENAL COMPANY	DRILL SET, CUTTING OIL	\$147.24
FIREICE FIREAMRS LLC	TRAIL CAM	\$137.99
FOUNDATION ANALYTICAL LAB	POOL WATER & WATER TEST	\$78.00

GEORGE SCHMIDT	TOOLS AT AUCTION, MEAL REIMB.	\$33.95
GRAHAM TIRE & AUTOMOTIVE	TIRES	\$254.18
GROUP RESOURCES/THREE RIVER	CLAIMS TO 9/13/17, FLEX SPENDING	\$924.96
HAWKINS, INC.	LAB SUPPLIES	\$1,295.00
HILLYARD	PAPER TOWELS, CLEANER	\$71.11
HY-VEE, INC.	OPERATING SUPPLIES	\$99.63
IOWA LAKES ELECTRIC COOP	ELECTRICITY	\$60.86
JACK'S UNIFORMS & EQUIPMENT	CLOTHING	\$109.90
JAMIE HODGDON	MILEAGE TO EAP TRAINING	\$70.62
JANITOR'S CLOSET, LTD.	SUPPLIES	\$419.76
JEBRO, INC.	CRS-2	\$3,395.00
JENNIFER BARRITT	1ST WSI REIMBURSEMENT	\$65.00
JERRY'S TREE SERVICE	TREE REMOVAL	\$3,800.00
JIM AGNITSCH	MILEAGE TO SIMPCO MEETING	\$59.39
JOSIE HODGDON	2ND LG REIMBURSEMENT	\$65.00
K & M TREE SERVICE	CLEAN UP 125 S. 7TH STREET	\$311.52
K-MART #9222	FLAG FOOTBALL SUPPLIES	\$25.95
LETSCHKE BIKE/RADIO SHACK	BATTERIES	\$50.98
MADLYN HERRERA	2ND LG, 1ST WSI REIMB.	\$130.00
MATTHEW STIENEKE	1ST LG REIMBURSEMENT	\$65.00
MEGAN BROWN	2ND LG REIMBURSEMENT	\$65.00
MENARDS-SPENCER	OPERATING SUPPLIES	\$103.65
MID AMERICAN ENERGY	ELECTRICITY	\$280.52
MILLER, MILLER, MILLER, PC	FEMA-TITLE GUARANTIES X 8	\$880.00
MILLS & MILLER INC.	DEICING SALT	\$4,876.83
MUNICIPAL SUPPLY, INC.	WATER METERS, SMARTPOINTS	\$6,983.20
NORLAB INC.	LIQUID POWDER TRACING DYE	\$222.00
NORTHSIDE TIRE	TIRE REPAIR	\$8.50
O'REILLY AUTOMOTIVE STORES	MINI LAMP	\$2.11
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$328.76
PAYTON SLAUGHTER	1ST LG REIMBURSEMENT	\$65.00
PETTY CASH	MAILING DOCS, CLEANING SUPPLIE	\$73.76
REAGAN BRUNSTING	2ND LG, 1ST WSI REIMBURSEMENT	\$130.00
REINERT MACHINE SHOP	LOADER BUCKET & END GATE REP.	\$178.02
RMA ARAMENT, INC.	ARMOR PLATE	\$454.98
SCE, LLC	DIG GRAVE	\$202.50
SIMPCO	FY18 MEMBER DUES	\$2,245.70
SIOUX CENTER PUBLIC LIBRARY	ONE CLICK SUBSCRIPTION	\$300.00
SIOUX SALES COMPANY	ACADEMY CLOTHES, AMMO	\$1,128.50
STANDARD READY MIX	LF40-4000 AE	\$369.31
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$26.00
SYNCHRONY BANK/AMAZON	BOOKS	\$231.78
TAYLOR RICHARDSON	2ND LG, 1ST WSI REIMB.	\$130.00
TOMETICH ENGINEERING	123 MAIN ST. INSPECTION	\$1,806.00
UNUM LIFE INS. CO OF AMERICA	10/17 LIFE & DISABLITY INS.	\$1,142.94

USPS	UTILITY BILL POSTAGE	\$333.61
VOGEL TRAFFIC SERVICES	PAVEMENT MARKINGS	\$2,235.75
WIESE OIL & SUPPLY CO., LT	OIL/GREASE, FUEL	\$2,223.95
WINDSTREAM	TELEPHONE	\$19.18
WINTHER, STAVE & CO., LLP	FY16/17 AUDIT PROGRESS BILLING	\$15,000.00
WOODALL ELECTRIC	SEWER PLANT REPAIRS	\$5,429.50

### **East Side Trail Expansion**

Jason Cook, a member of the Cherokee Trails Committee updated the council on a project involving the purchase of approximately 55 acres of land from Tom Jenness by the Iowa Natural Heritage Foundation in order to expand the City's trail system. This land is on the east side of Cherokee and is bordered on the north by Sumner St. and on the south by E. Main St. and contains an old barn as well as a pond. The INHF has extended a conditional offer to purchase the property for \$250,000, subject to approval by the City. Included in the proposed project is a land exchange with a neighboring property, owned by Carla Doherty, Brady Lundquist and Amber Lundquist for approx. 3.25 acres, this land swap will allow the eventual construction of a trail to connect from the current Jenness property north to E. Spruce St. There is a city owned section of land along Park Ave. that allows for access to this parcel. Southwest of the Jenness property is City greenspace, available for trail construction that someday could connect to the Spring Lake area. Upon receiving approval from the City, INHF will request the City sign a Memorandum of Understanding, which provides the City's acknowledgement that the City/Trails Committee intends to purchase the land within a reasonable time frame (estimated to be 2-5 years) from the INHF. The land swap will generate an estimated \$25,000 and the Trails Committee has pledged \$25,000, leaving an amount to be raised of \$200,000 to acquire the real estate. More funds will be needed to construct the trail. The Trails Committee will apply for grants along with fundraising for this project. Any income from the tillable land received by INHF while they own the land will be applied to the purchase price. Brown and Miller expressed 100% support of the project.

### **Resolution #17-56 Setting Public Hearing Date**

Motion by Brown, seconded by Agnitsch to set a date of October 10, 2017, at 7:00 p.m. for a Public Hearing on the Proposed Purchase of Real Estate to Expand the Public Trail System. Roll call was: AYES: All. NAYES: None

### **Update on 123 E. Main**

Discussion continued on the condition of the building at 123 E. Main St. The City Attorney is preparing the necessary documents to order the property owners, Dennis and Tammy Pointon, to remedy the situation or the City will do so and assess the costs to the property in compliance with City Code Chapter 145.

### **South Side Water Main Project**

Motion by Agnitsch seconded by Pingel, approved Change Order #1 for the South Side Water Main Project. Roll call was: AYES: All. NAYES: None

Motion by Brown, seconded by Miller, to approve the Final Pay Application and Closeout for the South Side Water Main Project. Roll call was: AYES: All. NAYES: None.

**Downtown Façade Project**

Action on the Downtown Façade Program change orders and declaration of substantial completion was postponed until the October 10, 2017, council meeting.

**Funding Proposed Reports on 231 W. Main Building**

Motion by Miller, seconded by Brown, authorized the costs of obtaining structural and environmental report on the Lewis Hotel building at 231 W. Main St. to be paid from the Revolving Loan Fund. Kooiker estimates the cost of the two reports to be less than \$10,000. Roll call was: AYES: All. NAYES: None

**Former Wilson School Property**

Kooiker reported that the City has received the structural engineer's report on the condition of 100 E. Willow St. and it has been provided to Rick and Karen Swain. Action on this item was postponed to the October 10, 2017, council meeting.

**Executive Session**

There was no Executive Session.

The meeting was adjourned at 7:39 p.m., on a motion by Agnitsch, seconded by Pingel.

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

Mark Murphy, Mayor

ATTEST:

Diane Cargin  
City Clerk Treasurer