

**CITY COUNCIL MINUTES
TUESDAY, SEPTEMBER 26, 2023, 6:00 P.M.
CHEROKEE CITY HALL**

A regular meeting was called to order on this date by Mayor Schmidt. Roll call: Present: Councilpersons Hayes, Loughlin, Pingel, Wilberding, City Attorney Herbold and City Clerk-Treasurer Lucas. Absent: None.

Motion by Loughlin, seconded by Wilberding to approve the agenda with the addition of 5.03 Contract with Schmillen Construction for Wescott Park Relocation Project. Roll call: AYES: All. NAYES: None.

City Clerk Lucas received two letters of interest to fill the vacant At-Large City Council Position from John Nitz and Jacob Kindwall. Motion by Wilberding, seconded by Hayes to appoint John Nitz to fill the vacant At-Large City Council Position. Roll call: AYES: Wilberding, Hayes. NAYES: Pingel, Loughlin. Due to the motion dying and this being the 60th day to fill the vacant position, a Special Election should be held to fill the position. Herbold spoke with the County Auditor and there is not enough time before the General Election to hold a Special Election. Therefore, the At-Large City Council Position will remain vacant until January 1, 2024 when the newly elected candidate fills the position.

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

City Council Minutes of September 12, 2023.

Review FY 22/23 Annual Financial Report.

Review FY22/23 Urban Renewal Report.

Approve Application for Tax Abatement-881 Aster Dr.-Dan & Dawn Jensen.

Approve Application for Tax Abatement-1104 W. Cedar St.-Isaiah Isaacs.

Approve Special Class C Retail Alcohol License for The Book Vine, Inc.

Approve Class C Retail Alcohol License for Danny's Sport Spot.

Bills totaling: \$179,261.30

AL'S CORNER OIL CO.	FUEL	\$144.66
ALLIANT ENERGY	NATURAL GAS	\$772.11
ALPHA WIRELESS COMMUNICATION	2500 DURAMAX RADIO INSTALL	\$397.70
AURELIA LUMBER COMPANY	LUMBER	\$257.13
BAN-KOE SYSTEMS, INC.	FIRE ALARM SYSTEM	\$1,243.00
BARCO MUNICIPAL PRODUCTS	STREET SIGNS	\$418.35
BLACKSTRAP, INC.	ASPHALT & SEAL COAT	\$247,072.25
BOJI PORTABLE TOILETS	SPOT A POT	\$280.00
BOMGAARS	OPERATING SUPPLIES	\$1,467.17
BRAD'S TIRE SERVICE	EQUIPMENT MAINTENANCE	\$1,943.03
BUILDERS SHARP. & SERVICE	BOBCAT UV34G	\$16,596.74
CARROLL CONSTRUCTION SUPPLY	SOF SEAL	\$1,142.64
CHAMPION ELECTRIC, INC.	BLUFF & 59 LIGHT MAINTENANCE	\$75.00
CHEROKEE AVIATION AUTHORITY	9/23 PROPERTY TAX DRAW	\$2,891.93
CLARK EQUIPMENT CO.	78" FORK GRAPPLE	\$5,800.42
DENNY'S SERVICE	FURNACE INSTALL 746 SPRUCE	\$9,661.00
DIAMOND VOGEL, INC.	PAINT	\$130.50
ENVIRON. RESOURCE ASSOC.	LAB SUPPLIES	\$268.67
FAREWAY STORES, INC.	MISC. SUPPLIES	\$112.12

FOUNDATION ANALYTICAL LAB	WATER AND WASTEWATER SAMPLES	\$608.00
FRANK DUNN CO.	HIGH PERFORMANCE PATCH	\$949.00
H. G. KLUG SONS, INC.	SERVICE & CLEAN MACHINES	\$4,144.33
HALLETT MATERIALS	PEA GRAVEL & 1" GRAVEL	\$182.40
HARMAN MASONRY	REPAIR CHIMNEY AT SPRING LAKE	\$3,320.00
HAWKINS, INC.	WATER SUPPLIES	\$1,919.13
HEIMAN FIRE EQUIPMENT	RES-Q-ME TOOL	\$414.37
HOLZHAUER MOTORS, LTD.	RAM 2500 REPAIRS	\$2,154.50
HY-VEE, INC.	OPERATING SUPPLIES	\$24.33
I & S GROUP, INC.	IND. WASTEWATER PLANT IMP.	\$5,000.00
IOWA LAKES ELECTRIC COOP	ELECTRICITY	\$124.00
JAMES MANUFACTURING, LLC	STEEL	\$60.00
MEDIACOM LLC	INTERNET	\$416.90
MENARDS-SPENCER	GROUNDS REPAIRS	\$726.78
MID AMERICAN ENERGY	ELECTRICITY	\$31,003.78
MID-AMERICAN BENEFITS, INC	CLAIMS THROUGH 9/20/23	\$643.61
MODERN HEATING & COOLING	REPAIR A/C UNIT C.CENTER LL	\$840.59
MOTOR PARTS SALES	WIPER BLADE	\$21.14
MUNICIPAL SUPPLY, INC.	WATER SUPPLIES	\$18,366.74
NORTHERN BALANCE & SCALE	CALIBRATE & TESTING	\$431.50
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$127.17
PITNEY BOWES	REFILL POSTAGE	\$1,400.00
R.J. THOMAS MFG. CO., INC.	FLAG FB TEES	\$523.35
SCE, LLC	DIG GRAVE	\$750.00
SIOUX SALES COMPANY	MISC. SUPPLIES	\$149.70
SWAIN MOTOR CO.	2020 TAHOE MAINTENANCE	\$384.33
T.P. ANDERSON & COMPANY	FY23 AUDIT FEES	\$9,300.00
TRIVISTA - IOWA	TRUCK REPAIR	\$775.30
TRUCK EQUIPMENT INC.	GUTTER BROOM	\$680.88
U.S. BANK	MISC. CHARGES	\$4,109.73
UNUM LIFE INS. CO OF AMERICA	10/23 LIFE & DISABILITY INS.	\$1,452.55
USPS	UTILITY BILLING POSTAGE	\$476.36
VISUAL EDGE IT	COPY OVERAGE	\$48.11
WAYNE VOLUNTEER FIRE ASSOCIATION	HOSE TESTED MACHINE	\$1,000.00
WESTERN IOWA TECH. COMM. COLLEGE	LAB FEES	\$160.00
WIESE OIL & SUPPLY CO.	NO-LEAD GAS / ROTELLA	\$546.70

The National Park Service has approved federal assistance from the Land and Conservation Fund in the amount of \$100,185 for the Skate Park Project. Motion by Wilberding, seconded by Loughlin to approve the Land and Water Conservation Fund Grant Agreement for the Cherokee State Park Project. Roll call: AYES: All. NAYES: None.

David Hall, Sioux City Skateboard Association (SCSA), requested that the City consider paying him for "extra work" he did helping Beck Engineering with the Cherokee Skatepark Project specifications. The City has a Skatepark Design, Planning and Construction Services Contract with SCSA for \$6,400. The City has previously issued payment of \$4,000 to SCSA. Hall is requesting an additional \$1,275 alleging construction specifications was outside of the scope of work in the contract. He had previously requested to do the work for \$275 on May 10, 2023. However, at that time the City Administrator asserted that it was in the scope of work under the contract. Hall disagreed. He was approached with the contract he prepared and the City approved which provides on page 5 that SCSA was obligated to provide construction specifications for the project. Following a lengthy discussion, Mr. Hall admitted that he didn't care if the City paid him the contract amount and that he was confused by the term

construction specifications. Motion by Loughlin, seconded by Pingel to pay the contract off in the amount of \$2,400 and not pay any additional amounts as they were not approved by List. Roll call: AYES: All. NAYES: None.

Motion by Loughlin, seconded by Wilberding to approve an agreement between the City of Cherokee and Schmillen Construction for the Wescott Park Relocation Project. Roll call: AYES: All. NAYES: None.

On a motion by Loughlin, seconded by Wilberding the meeting was adjourned at 6:48 p.m.

Media Present: *Kate Kealey, Cherokee Chronicle Times.*

Craig Schmidt, Mayor

ATTEST:

Sara Lucas, City Clerk-Treasurer