

**CITY COUNCIL MINUTES
TUESDAY, OCTOBER 13, 2020, 7:00 P.M.
CHEROKEE CITY HALL**

A regular meeting was called to order on this date by Mayor Schmidt. Roll call: Present: Councilpersons Brown, Loughlin, Johnson, Miller, Pingel, City Administrator List, and City Clerk-Treasurer Cargin.

Approve Agenda

Motion by Loughlin, seconded by Brown to approve the agenda. Roll call was: AYES: All. NAYES: None.

Public Hearing – Vacate and Dispose of Alley

At 7:00 p.m. Mayor Schmidt opened the public hearing on the vacation and disposal of a 12' alley running east and west adjacent to Trinity Lutheran Church between E. Cedar St. and Greer St. In exchange for conveyance to Trinity Lutheran Church, the church agrees to convey a 4' public ROW to access the alley from Greer St. so property owners can get to their garages. The church owns a lot to the south and a garage presently on that lot will be removed. List stated that the primary concern he has heard from residents in the area regards the turn radius. Dustin Handy, 409 E. Cedar, feels that even with a 4' public right-of-way there would be problems making the turn. Betty Harman, 423 E. Cedar, agrees and has concern about garbage trucks and snow plows getting through, as they park along the alley. Roger Seel, representing Trinity Lutheran Church stated that the church has no problem with drivers having to swing wider to make the turn. While Roosevelt St. is being reconstructed in 2021, the alley will provide parking space for their congregation. Long-term plans include a possible expansion of the church building. List mentioned that if the church building is expanded, the church would have to abide by a 5' side-yard setback. The Planning & Zoning Commission met on October 6 and supported the alley vacation. As there were no other oral or written comments, the public hearing was closed at 7:10 p.m.

Ordinance #691 Vacation of Alley

Motion by Loughlin, seconded by Pingel to approve the first reading and waive the second and third reading of Ordinance #691, an Ordinance Vacating a Portion of an Alley Adjacent to the Trinity Evangelical Lutheran Church. Roll call was: AYES: All. NAYES: None.

Resolution #2020-37 Disposing of Vacated Alley

Motion by Pingel, seconded by Loughlin, to approve Resolution #2020-37, a Resolution Approving a Right-of-Way Exchange Agreement with Trinity Evangelical Lutheran Church Concerning Vacated Alley. Roll call was: AYES: All. NAYES: None.

Public Hearing – Proposed Resolution of Necessity Sanitary Sewer Improvements

At 7:21 p.m. Mayor Schmidt opened the Public Hearing and called for comments and/or objections to the adoption of the proposed Resolution of Necessity for the construction of the Sanitary Sewer Collection System Improvements Phase 2. Bill Griffiths, 121 Linn St., questioned why since he pays property taxes as well as sewer and water maintenance fee charges each month that he would be assessed for more work. List replied that the proposed assessment was only for curb and gutter replacement and not for utility service line replacement. Griffith

stated that when the old water plant along N. 1st St. was demolished, that demolition caused extensive damage to the pavement. He wondered if there would be work done to this curb and gutter. Amanda Goodenow, ISG Inc., civil engineers for the project, replied that no work would be carried out along this area. Griffith questioned if the turn radius could be increased at the corner of N. 1st St. & Linn St. to allow larger vehicles to turn onto Linn St. Goodenow replied that the turn radius could not be increased as Griffith's driveway protrudes into this portion of roadway. Griffith questioned when the proposed work would be completed and Goodenow replied that work would commence in the spring of 2021, and the work along Linn St. would probably take place mid-summer and for a period of 2-3 months. Griffith questioned where residents would park during this time. Goodenow explained that residents along the south side of Linn St. would be able to access their properties through the alley behind them and that residents along the north side would be able to park in city-owned property along N. 1st St. As there were no other oral or written comments, the public hearing was closed at 7:26 p.m.

Resolution #2020-38 Adoption of the Resolution of Necessity

Motion by Miller, seconded by Brown, to adopt Resolution 2020-38, a Resolution with Respect to the Adoption of the Resolution of Necessity Proposed for the Sanitary Sewer Collection System Improvements Phase 2. Roll call was: AYES: Johnson, Miller, Brown, Pingel, Loughlin. NAYES: None.

Resolution #2020-39 Directing Preparation of Plans & Specs

Motion by Miller, seconded by Loughlin to adopt Resolution 2020-39, a Resolution Directing the Preparation of Detailed Plans & Specifications, Form of Contract and Notice to Bidders on the Sanitary Sewer Collection System Improvements Phase 2. Roll call was: Loughlin, Miller, Brown, Pingel, Johnson. NAYES: None.

Resolution #2020-40 Ordering Bids, Approving Plans, Specs, Form of Contract

Motion by Brown, seconded by Pingel to adopt Resolution 2020-40, a Resolution Ordering Bids, Approving Plans, Specifications and Form of Contract and Notice to Bidders, Fixing Amount of Bid Security and Ordering Clerk to Post Notice and Fixing a Date for Receiving Same, and for a Public Hearing on Plans, Specifications, Form of Contract and Estimate of Costs for the Sanitary Sewer Collection System Improvements Phase 2. Roll call was: AYES: Miller, Pingel, Loughlin, Johnson, Brown. NAYES: None.

Ordinance #692 Noise Limits

Police Chief James stated the police have received numerous calls from residents relating to excessive noise created by loud music and barking dogs. Most of the barking dog complaints concern two houses in town. James has visited with the homeowners and has not had much success in resolving the problems. James stated that without an ordinance limiting sounds decibels, there is not much law enforcement can do. The current ordinance is not enforceable. Several neighbors in the area of the barking dogs commented that something needs to be done. The incessant barking is interrupting sleep and causing numerous problems, including devaluing the neighborhood. List presented an ordinance amending the current noise and noise limit restrictions regulations, limiting the allowable decibel limit in a residential district to 60 dBA. Violators will be fined \$50 per offense. Brown would like to see the fine amount set by resolution so that it could be more easily increased if need be. List replied that he would make the change to the proposed ordinance that the fine be set by resolution. Motion by Brown,

seconded by Miller to approve the first reading of Ordinance #692, an Ordinance Amending the Code of Ordinances by Adding Provisions and Restrictions for Noise and Noise limits with the change that the fine for violation of the ordinance would be set by resolution, waiving the second and third readings and ordering its publication. Roll call was: AYES: Brown, Pingel, Miller, Loughlin. NAYES: None.

Ordinance #693 Fence Materials

List presented Ordinance #693, an Ordinance Implementing Fence Materials, which would clearly state the materials that fences can be constructed as follows: chain link, non-decomposing wood products, molded plastic or wrought iron. The present ordinance simply states that a fence not detract from the character of the surrounding neighborhood, which is ambiguous. Motion by Miller, seconded by Brown to approve the first reading of Ordinance #693. Roll call was: AYES: All. NAYES: None.

Consent Agenda

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

City Council Minutes of September 22, 2020.

September Police Report.

Class B Wine Permit – The Book Vine.

Class C Liquor License – Danny’s Sports Spot.

Class B Beer Permit - Godfather’s Pizza.

Appointment of Barb Messerole to Planning & Zoning Board

Park & Rec Board Minutes of October 5, 2020.

Planning & Zoning Meeting Minutes of October 6, 2020.

Pay Application #8 (Final) for Outfall Structure – Grundman- Hicks Const. \$15,134.32

Pay Application #2 Industrial Road Water Main Extension – SCE, LLC \$2,154.60.

Pay Application #1 Hillcrest St. Water Main Extension – SCE, LLC \$59,607.75.

Pay Application #1 Magnetic Park Recreational Trail – Vander Pol Const. \$42,717.22

September Treasurer’s Report and Receipts as follows: General \$256,547.27; Police Forfeiture

\$349.93; County Library \$3,500.71; Road Use \$74,601.55; Employee Benefits \$62,862.07;

Emergency \$4,336.18; Other Street Monies/Local Option Sales Tax \$57,354.12; Hotel/Motel

Tax \$9.82; Tax Increment Financing \$.00; Wilson School Reserve \$0; Revolving Loan \$.30;

Library Memorial \$4,532.06; Park & Rec Capital Improvement \$1.53; Cemetery Special Care

\$130.40; Debt Service \$43,856.08; 2016 Capital Projects \$0; Floods of 2018/19 \$0; S. 5th Street

Improvement Project \$0; Emergency Set-Aside \$13.77; Oak Hill Perpetual Care \$211.52; Water

Utility \$88,769.25; Water Utility – Industrial \$6.84; Water Main Project Bond & Interest

\$5,273.00; Water System Maintenance \$9,826.53; Sewer Utility \$139,502.40; Sewer Utility –

Industrial \$.32; Sewer Facility Bond & Interest \$34,006.00; Sewer System Maintenance

\$9,211.98; CDBG Sanitary Sewer Euclid/Spruce \$0; Aviation Authority \$2,408.98; Solid Waste

\$32,189.19; Landfill \$30,208.73; Storm Sewer Utility \$6,957.94; Self-Insurance \$15.83; Police

Dept. Special Acct. \$.93.

Bills totaling \$300,010.59

A-OX WELDING SUPPLY CO.	WIRE & CO2	\$267.00
AHLERS & COONEY P.C.	WILSON SCHOOL DA-URBAN RENEWAL	\$61.00
ALLIANT ENERGY	NATURAL GAS	\$260.93
ALPHA WIRELESS COMMUNICATIONS	BATTERY PACKS	\$227.00

ALYSSA A. HERBOLD PLC.	9/20 LEGAL SERVICE	\$1,053.00
AMERICAN AQUATIC TESTING	TOXICITY TESTING	\$975.00
ARAMARK UNIFORM SERVICES	RAGS, RUGS, MOPS	\$78.03
ARMOND RIDER	10/20 CELL PHONE REIMBURSEMENT	\$50.00
BAKER & TAYLOR INC.	BOOKS	\$668.91
BECK ENGINEERING, INC.	S. 5TH ST. RECONSTRUCTION	\$690.00
BECK ENGINEERING, INC.	FEMA-SPRING LAKE OUTLET CULVERT	\$2,005.00
BECK ENGINEERING, INC.	FEMA-S. 1ST ST. RECONSTRUCTION	\$1,370.00
BECK ENGINEERING, INC.	WATER MAIN EXTENSION	\$3,433.75
BECK ENGINEERING, INC.	2021 ROOSEVELT RECONSTRUCTION	\$26,920.00
BIERSCHBACH EQUIPMENT & SUPPLY	SUCTION HOSE & GAS MONITOR CALIBRATION	\$790.00
BLAINE'S WATER CONDITIONING	COOLER & SOFTNER RENT & WATER	\$120.75
BLOOMING HOUSE	FLOWERS	\$225.54
BOLTON & MENK, INC.	2020 GENERAL ENGINEERING	\$60.00
BOMGAARS	OPERATING SUPPLIES	\$2,945.41
BRAD'S TIRE SERVICE	DRIVE BELT & TIRE REPAIRS	\$168.32
BRAYDEN FARVER	FOOTBALL REFEREE	\$125.00
BRODY FARVER	FOOTBALL REFEREE	\$50.00
BUGH WELDING	ANGLES	\$67.70
BUILDERS SHARP. & SERVICE	OPERATING SUPPLIES	\$191.15
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$774.88
CARROLL CONSTRUCTION SUPPLY	HAND RAIL ANCHORS & STRAW MAT	\$249.86
CARSON JENNESS	SOCCER REFEREE	\$175.00
CASCADE SUBSCRIPTION SERVICE	SUBSCRIPTION RENEWALS	\$444.00
CENTRAL IOWA DIST. INC.	SPRAYER, CLEANING SUPPLIES	\$1,069.81
CERTIFIED TESTING SERVICES	TESTING	\$5,423.00
CHAMPION ELECTRIC, INC.	RESET BLUFF ST. CONTROLLER	\$160.17
CHEM-SULT, INC.	PHOSPHATE & POTASSIUM	\$2,898.20
CHEROKEE CO. SOLID WASTE	9/20 ASSESSMENT & TIRE DISPOSAL	\$29,768.51
CHEROKEE COUNTY RECORDER	2018 ODES COMRADE REGISTRATION	\$18.75
CHEROKEE COUNTY SHERIFF	SERVE PAPERS/PT	\$34.00
CHEROKEE NAPA	OPERATING SUPPLIES	\$79.55
CHRONICLE TIMES	9/20 LEGAL PUBLICATIONS	\$2,151.15
CONTROL SYSTEM SPECIALISTS	FILTERS	\$115.20
COUNSEL	COPY OVERAGE	\$63.33
COUNTRY TIRE & SERVICE	TIRE REPAIR, OIL CHANGE, BRAKE REPAIRS	\$447.05
CRAIG SCHMIDT	MILEAGE TO/FROM LEAGUE MEETING	\$96.60
DETROIT INDUSTRIAL TOOL	CONCRETE	\$232.62
DUANE MUMMERT	10/20 CELL PHONE REIMBURSEMENT	\$35.00
ELECTRIC PUMP	FLANGE PIPE SUPPORT	\$300.06
ERIC LIST	10/20 CELL PHONE REIMBURSEMENT	\$50.00
FAREWAY STORES, INC.	PD SUPPLIES	\$22.74
FELD FIRE	FIRE SUPPLIES	\$564.75
FOUNDATION ANALYTICAL LAB	WASTEWATER & WATER SAMPLES	\$851.50
FRANK DUNN CO.	HIGH PERFORMANCE PATCH	\$799.00
GARRETT GOBLE	UTILITY DEPOSIT REFUND	\$30.38
GEORGE SCHMIDT	10/20 CELL PHONE REIMBURSEMENT	\$35.00

GREAT AMERICA FINANCIAL SERVICE	COPY CONTRACT	\$74.00
GREG EATON, FIRE CHIEF	VOLUNTEER FIREMAN PAYROLL	\$2,020.00
GRUNDMAN-HICKS L.L.C.	FEMA-SPRING LAKE OUTLET PROJ.	\$15,134.32
H & S ELECTRIC	LED LIGHTING	\$1,460.00
HEART & SOLE DANCE & PERFORMANCE	GRANT-2020 WALK OF FAME RECITA	\$1,000.00
HEIDI ELLIS	SOCCER REFEREE	\$125.00
HILLYARD	OFFICE SUPPLIES	\$254.14
HOLZHAUER MOTORS, LTD.	OIL CHANGES & ALINGMENT	\$193.88
IOWA DEPT. OF NATURAL RESOURCES	2021 WATER USE FEE	\$95.00
IOWA ONE CALL	LOCATES	\$40.50
JACK WALDNER	SOCCER REFEREE	\$125.00
JACOB HODGDON	FOOTBALL REFEREE	\$175.00
JAKE DYSLIN	MILEAGE TO CLASS IN SIOUX CITY	\$60.26
JAMES MANUFACTURING, LLC	MANURE TRUCK BRACKET	\$100.00
JAMIE HODGDON	10/20 CELL PHONE REIMBURSEMENT	\$35.00
JANITOR'S CLOSET, LTD.	CLEANING SUPPLIES	\$131.60
JJSS, LLC	JET SEQUOIA	\$160.00
JOHN MEIS	SIMPCO ZOOM MEETING	\$60.00
KATHY GLASS-MILLER	LAKESIDE SHELTER REFUND	\$50.00
L & G PRODUCTS, INC.	STRAW BLANKET	\$190.76
LEAF	COPY CONTRACTS	\$242.89
MARTIN MARIETTA MATERIALS	CLASS A	\$103.48
MEDIACOM LLC	INTERNET	\$414.40
MID AMERICAN ENERGY	ELECTRICITY	\$55,887.64
MID-AMERICAN BENEFITS, INC	10/20 ADMIN & FLEX FEES & CLAIMS	\$4,230.88
MOTOR PARTS SALES	VEHICLE PARTS	\$686.87
MOUNT PLEASANT PUBLIC LIBRARY	BOOK	\$29.95
MUNICIPAL SUPPLY, INC.	CLAMPS, PAINT, FLAGS	\$1,439.38
NATE JAMES	10/20 CELL PHONE REIMBURSEMENT	\$50.00
NORTHERN BALANCE & SCALE,	SERVICE & CALIBRATE SCALE & WEIGHTS	\$301.00
NORTHWEST IOWA LEAGUE OF CITIES	LEAGUE MEETING REGISTRATION	\$15.00
O'HALLORAN INTERNATIONAL	VEHICLE PARTS	\$4,456.33
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$203.07
PAYTON KOHN	SOCCER REFEREE	\$100.00
PLUNKETT'S PEST CONTROL	PEST CONTROL	\$50.00
RAPID AMERICAN PRESS	ENVELOPES	\$776.00
SAM GEBERS	FOOTBALL REFEREE	\$50.00
SANITARY SERVICES	9/20 GARBAGE PICK UP	\$29,057.55
SCE, LLC	CURB REPAIRS, WATERMAIN EXTENSIONS	\$62,316.51
SCHUMACHER ELEVATOR CO.	2020 ELEVATOR CODE UPGRADES	\$14,960.00
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$131.00
STEVEN & BRANDIE DUBLINSKE	MAILBOX	\$43.53
STEVENSON FAMILY TREE SERVICE	REMOVE 2 TREES AT LIBRARY	\$1,600.00
SYNCHRONY BANK/AMAZON	BOOKS	\$54.92
T.P. ANDERSON & COMPANY	FY20 AUDIT FEES	\$4,000.00
TAYLOR VANDERVORT	SOCCER REFEREE	\$125.00
THE BOOK VINE	BOOKS	\$280.31

TODD LARSEN	10/20 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	10/20 CELL PHONE REIMBURSEMENT	\$35.00
TREY BENSON	FOOTBALL & SOCCER REFEREE	\$100.00
TRIPLE S SERVICES	PORT A POT SERVICE	\$280.00
TYLER EBEL	SOCCER REFEREE	\$175.00
U.S. BANK	MISC. CHARGES	\$2,259.45
UPS	SHIP WASTEWATER PACKAGE	\$233.62
USPS	UTILITY BILL POSTAGE	\$317.87
VALLEY VETERINARY CENTER	K-9 MEDS	\$9.95
VERIZON WIRELESS	HOT SPOTS & CELL PHONES	\$392.98
WALDNER'S LAWN SERVICE	8/20 MOWING	\$76.00
WELLS FARGO FINANCIAL LEAS	COPY CONTRACT	\$63.00
WEX BANK	FUEL	\$2,411.06
WIEMOLD SMALL ENGINE REPAIR	POWER WASHER & WORK PRO REPAIR	\$147.10
WIESE OIL & SUPPLY CO., LT	GENERATOR GAS & FUEL	\$279.52
WINDSTREAM	TELEPHONE	\$359.52
ZAC SMITH	MILEAGE FOR TRAINING	\$51.75

Consider Rural Housing Readiness Assessment Application

Motion by Miller, seconded by Loughlin to approve an application to ISU’s Extention & Outreach’s Rural Housing Assessment Readiness Program for a housing study. There is a \$5,000 matching fee at the start of the program with a \$10,000 award after completion of the housing assessment. Roll call was: AYES: All. NAYES: None.

Approve Contract for Sanitary Sewer Improvements Project – Phase I

Motion by Loughlin, seconded by Brown to approve the contract and bond for the Sanitary Sewer Improvements Project, Phase I, with S. J. Louis Const., Rockville MN, in the amount of \$565,645.00. Roll call was: AYES: All. NAYES: None.

Adjournment

On a motion by Pingel, seconded by Loughlin, the meeting was adjourned at 8:15 p.m.

Media Present: *KCHE Radio*

Craig Schmidt
Mayor

ATTEST:

Diane Cargin
City Clerk-Treasurer