

**CITY COUNCIL MINUTES  
TUESDAY, SEPTEMBER 8, 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 (by zoom teleconference), Miller, Pingel, City Administrator List, and City Clerk-Treasurer Cargin. Absent: Councilperson Johnson.

**Approve Agenda**

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

**Public Hearing – Acquisition of Real Estate**

At 7:00 p.m. Mayor Schmidt opened the public hearing on the acquisition of real estate, namely the property at 424 Greer St. This property has been damaged by the 2019 floods and has been deemed uninhabitable. As there were no oral or written comments, the public hearing was closed at 7:01 p.m.

**Resolution 2020-27 Accepting Real Property at 424 Greer St.**

Motion by Brown, seconded by Miller to adopt Resolution 2020-27, a Resolution Accepting Real Property Located at 424 Greer St. Roll call was: AYES: All. NAYES: None.

**Public Hearing – Vacate and Dispose of Sioux Valley Drive**

At 7:03 p.m. Mayor Schmidt opened the public hearing on the vacation and disposal of Sioux Valley Drive. As there were no oral or written comments, the public hearing was closed at 7:04 p.m.

**Ordinance #689 Vacation of Street**

Motion by Miller to approve the 1<sup>st</sup> reading of Ordinance #689, an Ordinance Vacating Sioux Valley Drive between N. First St. and Roosevelt Ave., and waive the second and third reading and order its publication. Loughlin seconded the motion. Roll call was: AYES: All. NAYES: None.

**Resolution 2020-28 Disposing of Vacated Street**

Motion by Pingel, seconded by Miller to adopt Resolution 2020-28, a Resolution Disposing of Vacated Street and Approving Exchange Agreement. This Resolution authorizes the vacation and conveyance of Sioux Valley Drive between N. 1<sup>st</sup> St. and Roosevelt Ave. to Sioux Valley Memorial Hospital Assn. d.b.a. Cherokee Regional Medical Center, retaining an easement for public utility infrastructure. Roll call was: AYES: All. NAYES: None.

**Resolution 2020-29 Building Permit Fee Holiday Extension**

Motion by Miller, seconded by Loughlin to adopt Resolution 2020-29, a Resolution Extending “Holiday” for Building Permit Fees until October 1, 2021, for New Construction of Single Family Homes and Duplexes. Roll call was: AYES: Miller, Pingel, Loughlin. NAYES: None. ABSTAINING: Brown.

**Resolution 2020-30 Fixing Meeting Date**

Motion by Brown, seconded by Miller to adopt Resolution 2020-30, a Resolution Fixing Date for a Meeting on the Proposition to Authorize a Loan and Disbursement Agreement and the Issuance of Not to Exceed \$800,000 Sewer Revenue Capital Loan Notes, setting Sept. 22, 2020 at 7:00 p.m. at Cherokee City Hall as the time and place of the meeting. Roll call was: AYES: All. NAYES: None.

**Resolution 2020-31 Approving 1<sup>st</sup> Amendment to Wilson School Apts. Agreement**

List explained the 1<sup>st</sup> amendment to the agreement between the City and JMAE, LLC and Wilson School Apts. LLC. This amendment allows for the sidewalk replacement to occur at the end of the project rather than the beginning of the project due to the potential of damage to the new sidewalks by the use of heavy equipment. The City will hold back \$10,000 of the scheduled \$50,000 payment to be made to JMAE LLC/Wilson School Apts. upon verification of the first set of conditions as consideration for this amendment, and retain the \$10,000 payment until the sidewalks are replaced. Motion by Miller, seconded by Pingel to adopt Resolution 2020-31, a Resolution Approving 1<sup>st</sup> Amendment to the Agreement for Private Development Concerning the Historic Wilson School. Roll call was: AYES: All. NAYES: None.

**Resolution 2020-32 Preliminary Resolution for Construction**

Motion by Brown, seconded by Pingel to adopt Resolution 2020-32, a Preliminary Resolution for the Construction of Street, Sanitary Sewer, Storm Sewer and Other Public Improvements in the City of Cherokee. The project will take place along Linn St., replacing sewer services up to the property line for each property owner along Linn St. and of the reconstruction of Linn St. to improve drainage, including curb and gutter sections. Roll call was: AYES: All. NAYES: None.

**Resolution 2020-33 Fixing Values of Lots**

Motion by Brown, seconded by Pingel to adopt Resolution 2020-33, a Resolution Fixing Values of Lots located within the Sanitary Sewer Collection System Improvements Phase 2. Roll call was: AYES: All. NAYES: None

**Resolution 2020-34 Adopting Preliminary Plat and Schedule**

Motion by Brown, seconded by Pingel to adopt Resolution 2020-34, a Resolution Adopting Preliminary Plat and Schedule, Estimate of Cost and Proposed Plan and Specifications for the Construction of the Sanitary Sewer Collection System Improvements Phase 2. Roll call was: AYES: All. NAYES: None.

**Resolution 2020-35 Resolution of Necessity (Proposed)**

Motion by Brown, seconded by Pingel to adopt Resolution 2020-35, a Resolution of Necessity (Proposed) for the Sanitary Sewer Collection System Improvements Phase 2. Roll call was: AYES: All. NAYES: None.

**Consent Agenda**

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

City Council Minutes of August 25, 2020.

August Treasurer's Report.

August Police Report.

Class B Native Wine Permit for Hy-Vee Pharmacy & Gift Store.

Class E Liquor License for Hy-Vee Store.

Pay Application #7 & Cert. of Substantial Completion for Spring Lake Outfall Project

Grundman Hicks - \$52,537.38.

Pay Application #1 for Cherokee Industrial Road Water Main SCE Const. - \$36,147.03.

Pay Application #4 for S. 5<sup>th</sup> St. Project Vander Pol Excavating - \$63,801.22.

Pay Application #4 & Cert. of Substantial Completion for S. 1<sup>st</sup> St. Reconstruction

DeLoss Construction - \$3,545.88

August Treasurer's Report and Receipts as follows: General \$44,442.13; Police Forfeiture

\$317.31; County Library \$1.29; Road Use \$55,585.17; Employee Benefits \$3,381.71;

Emergency \$150.55; Other Street Monies/Local Option Sales Tax \$55,743.07; Hotel/Motel Tax

\$23,026.61; Tax Increment Financing \$.00; Wilson School Reserve \$0; Revolving Loan \$.43;

Library Memorial \$184.90; Park & Rec Capital Improvement \$2.20; Cemetery Special Care

\$.54; Debt Service \$13,276.28; 2016 Capital Projects \$0; Floods of 2018/19 \$143,267.50; N. 5<sup>th</sup>

Street Improvement Project \$0; Emergency Set-Aside \$19.75; Oak Hill Perpetual Care \$0; Water

Utility \$73,511.49; Water Utility – Industrial \$9.81; Water Main Project Bond & Interest

\$5,273.00; Water System Maintenance \$8,916.49; Sewer Utility \$101,893.66; Sewer Utility –

Industrial \$.45; Sewer Facility Bond & Interest \$34,006.00; Sewer System Maintenance

\$8,288.81; CDBG Sanitary Sewer Euclid/Spruce \$0; Aviation Authority \$83.59; Solid Waste

\$29,557.34; Landfill \$27,897.79; Storm Sewer Utility \$6,325.95; Self-Insurance \$2,819.18;

Police Dept. Special Acct. \$.00.

Bills totaling \$349,724.49

A-OX WELDING SUPPLY CO.	WELDING BLANKET	\$92.29
ACCO	LIQUID CHLORINATING SOLUTION	\$679.20
AHLERS & COONEY P.C.	GENERAL FINANCE	\$22.50
ALLIANT ENERGY	NATURAL GAS	\$179.40
ALYSSA A. HERBOLD PLC.	8/20 LEGAL SERVICE	\$1,878.00
ARAMARK UNIFORM SERVICES	RAGS, RUGS, MOPS	\$78.03
ARMOND RIDER	9/20 CELL PHONE REIMBURSEMENT	\$50.00
AURELIA LUMBER COMPANY	ROOF TRUSSES & RAFTER TIES	\$673.20
AXON ENTERPRISE INC.	TASER AGREEMENT	\$2,760.00
BECK ENGINEERING, INC.	S. 5TH ST. RECONSTRUCTION	\$1,380.00
BECK ENGINEERING, INC.	FEMA- S. 1ST ST. RECONSTRUCTION	\$992.50
BECK ENGINEERING, INC.	WATER MAIN EXTENSION	\$2,842.50
BECK ENGINEERING, INC.	2020 ENGINEERING	\$155.00
BECK ENGINEERING, INC.	2020 ROOSEVELT AVE. RECONSTRUCTION	\$10,768.00
BLAINE'S WATER CONDITIONING	SOFTNER & COOLER RENT & WATER	\$202.40
BOMGAARS	OPERATING SUPPLIES	\$660.01
BOW WOW BOUTIQUE	BOARD & GROOM K-9	\$95.00
BUILDERS SHARP. & SERVICE	TOOL CAT PARTS	\$78.52
C-M-L TELEPHONE	TELEPHONE & INTERNET	\$772.86
CARROLL CONSTRUCTION SUPPLY	SEALER FOR TRAILS	\$540.00
CHAMPION ELECTRIC, INC.	REPLACE BULBS & BALLAST	\$151.50
CHEROKEE CO. SOLID WASTE	8/20 ASSESSMENT & DISPOSAL	\$29,701.11
CHEROKEE NAPA	OPERATING SUPPLIES	\$205.38
CHRONICLE TIMES	8/20 LEGAL PUBLICATIONS	\$537.91

CONSUMER REPORTS	SUBSCRIPTION RENEWAL	\$30.00
COUNSEL	COPY OVERAGE	\$61.95
COUNTRY TIRE & SERVICE	BALL JOINT REPAIRS & ALIGNMENT	\$355.17
CREATIVE SERVICES	SOCCER SOCKS	\$169.65
DELOSS CONSTRUCTION, INC.	FEMA-S. 1ST ST. RECONSTRUCTION	\$3,545.88
DEMCO, INC.	OFFICE SUPPLIES	\$392.89
DON REEVES	UTILITY BILL REFUND	\$78.25
DUANE MUMMERT	9/20 CELL PHONE REIMBURSEMENT	\$35.00
ERIC LIST	9/20 CELL PHONE REIMBURSEMENT	\$50.00
ERIN RYDREN	BOOKS	\$47.93
FELD FIRE	SUCTION HOSE & HYDROTEST	\$423.00
FOUNDATION ANALYTICAL LAB	WATER & WASTEWATER SAMPLES	\$171.75
FRANK DUNN CO.	HIGH PERFORMANCE PATCH	\$799.00
GEORGE SCHMIDT	9/20 CELL PHONE REIMBURSEMENT	\$35.00
GPM	CALIBRATE FLOW METER	\$618.00
GREG EATON, FIRE CHIEF	VOLUNTEER FIREMAN PAYROLL	\$760.00
GRUNDMAN-HICKS L.L.C.	FEMA-SPRING LAKE OUTLET CULVERT	\$52,537.38
IOWA DNR HEADQUARTERS	FEMA-ROTENONE FOR SPRING LAKE	\$8,684.20
JAMIE HODGDON	9/20 CELL PHONE REIMBURSEMENT	\$35.00
JANITOR'S CLOSET, LTD.	PAPER TOWELS	\$93.96
JJSS, LLC	1ST ST. STORM SEWER	\$37,805.00
LEAF	COPIER CONTRACT	\$97.31
MARTIN MARIETTA MATERIALS	WOOD CHIPS	\$311.74
MEDIACOM LLC	INTERNET	\$326.90
MENARDS-SPENCER	PRO FLO 7 PATTERN NOZZLE	\$12.99
MID AMERICAN ENERGY	ELECTRICITY	\$1,565.96
MID-AMERICAN BENEFITS, INC	CLAIMS	\$2,873.88
MODERN HEATING & COOLING	TOILET REPAIRS	\$87.25
MOTOR PARTS SALES	OPERATING SUPPLIES	\$47.06
MUNICIPAL SUPPLY, INC.	SMARTPOINTS & METERS	\$3,588.00
NATE JAMES	9/20 CELL PHONE REIMBURSEMENT	\$50.00
NATIONAL GEOGRAPHIC KIDS	SUBSCRIPTION RENEWAL	\$45.00
NORTHWEST ELECTRIC	PUMP REBUILD KIT	\$2,445.50
ONE OFFICE SOLUTION	OFFICE SUPPLIES	\$285.62
OTTO ENVIRONMENTAL SYSTEMS	100 RECYCLE CARTS	\$5,225.00
PITNEY BOWES GLOBAL FIN. SERVICE	POSTAGE MACHINE LEASE	\$158.64
RACO MANUFACTURING	1 YEAR ALARMAGENT SERVICE	\$1,440.00
REHAB SYSTEMS, INC.	JET VAC & ROOT CUTTING	\$22,814.35
SANITARY SERVICES	8/20 GARBAGE PICK UP	\$29,011.50
SCE, LLC	DIG GRAVE, IND. ROAD WATER MAIN	\$36,357.03
SHIELD TECHNOLOGY CORPORATION	SHIELDWARE	\$1,545.25
SIMMERING-CORY, INC.	BLIGHT ASSESSMENT	\$560.00
SIOUX CITY JOURNAL	SUBSCRIPTION RENEWAL	\$627.00
STATE LIBRARY OF IOWA	FY21 STATEWIDE DATABASE PACKAG	\$340.18
STEVE'S WINDOW SERVICE	CLEAN WINDOWS	\$26.00
SYNCHRONY BANK/AMAZON	BOOKS	\$128.72
T.P. ANDERSON & COMPANY	FY20 AUDIT FEES	\$9,000.00

THE ACCURATE COURT REPORTER	SUBSCRIPTION RENEWAL	\$39.00
THE BOOK VINE	BOOKS	\$328.48
THE IOWAN	SUBSCRIPTION RENEWAL	\$24.00
TODD LARSEN	9/20 CELL PHONE REIMBURSEMENT	\$35.00
TODD MILLER	9/20 CELL PHONE REIMBURSEMENT	\$35.00
U.S. BANK	MISC. CHARGES	\$611.93
USPS	UTILITY BILL POSTAGE	\$383.75
VANDER POL EXCAVATING, LLC	S. 5TH ST. RECONSTRUCTION	\$63,801.22
VERIZON WIRELESS	HOT SPOTS & CELL PHONES	\$392.94
WELLS FARGO FINANCIAL LEASE	COPY CONTRACTS	\$142.00
WEX BANK	FUEL	\$2,619.94
WIEMOLD SMALL ENGINE REPAIR	FILTERS	\$34.88
YOUR FLEETCARD PROGRAM	PARK FUEL	\$80.95

### **Utility Bill Adjustment**

Motion by Loughlin, seconded by Pingel to approve a sewer charge reduction on a utility bill for Donna Colvert, 806 Jefferies St. Colvert left an outside hose on, therefore the water used did not go into the sewer system. Roll call was: AYES: All. NAYES: None.

### **Spring Lake Renovation**

Ben Wallace with Iowa Dept. of Natural Resources explained that the DNR plans to treat Spring Lake with an application of rotenone, a botanical pesticide, which will eliminate all of the fish contained in the lake. The rotenone only affects gilled organisms and will not affect other species inhabiting the lake, or affect birds or vegetation. The lake has a large quantity of undesirable fish such as Asian carp and silvers due to recent flood events. The DNR will open the lake for promiscuous fishing prior to the application of rotenone, lifting fishing restrictions. The chemical will be applied in early October, weather permitting. Restocking will begin in the spring of 2021 with adult bluegill and largemouth bass, fingerling bluegill and bass in the summer and fingerling catfish in the fall. Wallace stated that there should be harvestable bluegill in about two years' time. The process will improve water clarity and encourage the establishment of desirable aquatic vegetation. Motion by Brown, seconded by Pingel to proceed with the project. Roll call was: AYES: All. NAYES: None.

### **Trinity Lutheran Church Alley Vacation Request**

Roger Seel, a trustee for Trinity Lutheran Church, presented a request for council to vacate and dispose of 132' of an alley between the church and church parking lot starting at the right of way of Roosevelt Ave. and heading east. Due to the impending construction project for N. Roosevelt Ave., the congregation will be unable to utilize the parking area along Roosevelt. The proposed vacation will give the church a parking area. The church will allow permanent alley access for residents along Greer St. The City will maintain a utility easement. Motion by Miller, seconded by Pingel to move forward with the request and refer the matter to the Planning & Zoning Commission for study and recommendation. Roll call was: AYES: All. NAYES: None.

### **Ahlers & Cooney Engagement Agreement**

Motion by Brown, seconded Pingel to approve an Engagement Agreement with Ahlers & Cooney, P.C. for services relating to the Sanitary Sewer Collection System Improvement Project. Roll call was: AYES: All. NAYES: None

**Adjournment**

On a motion by Pingel, seconded by Loughlin, the meeting was adjourned at 7:49 p.m.

Media Present: None.

Craig Schmidt  
Mayor

ATTEST:

Diane Cargin  
City Clerk-Treasurer