

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
OCTOBER 12, 2020

The council meeting was held at Swisher Library due to not enough room in city hall for distance of 6 feet for council to stop the spread of COVID-19. In order to help stop the spread of the COVID-19 virus, this meeting was also held electronically. Chapter 21.8 of the Iowa Code permits electronic meetings where all members participate remotely when in-person meeting is impossible or impractical, which is true during this crisis. Anyone could dial in or connect electronically to hear the actual meeting.

REGULAR CITY COUNCIL MEETING

Call To Order: Mayor Christopher Taylor called the Swisher Council Meeting to order at 7 p.m. in Swisher, Iowa on October 12, 2020 at Swisher Library.

Council Present: Mary Gudenkauf, Jerry Hightshoe, James Rowe, Michael Stagg. Rebekah Neuendorf attended via conference call.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Carl Spoerl, HR Green Representative Tim Cutsforth, Tim and Wendy Shelton. Via conference call were: Kim Grier, Jane Carson, Gene Beard, Kelly Freilinger, Kurtis Hartsock, Kevin Krug.

Consent Agenda: After review, Gudenkauf moved, seconded by Stagg to approve the Consent Agenda consisting of: Agenda, September 14, 2020 Minutes; updated List of Claims; September 2020 Clerk/Treasurer's Report and Utility Balance Report; Resolution No. 2020-45—Assessing Bill to Property Taxes; notice of open board positions for Planning & Zoning and Parks & Recreation. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried.

Citizen Comments: Tim Shelton noted there is a big berm in his front yard due to the Division Street Project and needs to be graded down so water runoff doesn't go towards his house. He also stated that he doesn't want any trees on one side of his house. Wendy Shelton wants them to plant a crab apple tree as that was removed for project. Engineer Cutsforth noted the project is not done and the berm will be removed and there is a list of trees that will be planted on the project.

Reports:

Sheriff: None.

Library: Kakacek noted the Library Director Hoover wanted to remind everyone that early voting is Tuesday, October 13th from 2-6 p.m. at the Swisher Library and Election Day, November 3rd will be voting at the Shueyville Community Building from 7 a.m. to 9 p.m. for all Swisher residents.

Engineer: HR Green Representative Tim Cutsforth reported he is working on Division Street Project and will start next week from Summit Avenue going east; obtained quotes to fix culvert on 3rd Street and Rose Avenue. Hightshoe noted there is a sink hole on Howard Avenue that should be looked at.

Mayor: Mayor Taylor reported that he and city clerk attended virtual Iowa League of Cities Conference; October 28th the MPOJC is looking at removing the Rural Policy Board from the By-Laws; he is opposed to this as this is not a time for rural communities to be less heard.

Council: Gudenkauf noted the Water Exploratory Committee finally got to meet in person as their last meeting was in March and couldn't meet due to the COVID. Hightshoe noted he attended the fire department meeting.

Employees: Superintendent of Public Works Spoerl reported the following: found unmarked manhole on Oka Avenue that wasn't on the sewer map where tree root broke into the line and, caused backup; he had the line jetted, and will need to be repaired next year; will have contractor from state bid to grind up logs from the storm in 2 to 3 weeks; can't move storm debris on 3rd Street until the detour is moved; Castek Park

bathrooms will be closed soon; port-o-potties at Castek Park will be removed end of October; reinstalled the speed limit signs that were knocked down from storm; will be installing snow fence soon; the skid steer windshield broke while picking up storm debris and he replaced it. Kakacek noted the following: routine audit was done; continue working on FEMA Grant for storm cleanup and have weekly meetings with FEMA; received \$206.40 for metals on city wide cleanup and paid \$387.50 for cleanup; will be attending IMFOA Conference next Thursday and Friday; NOJOCO publishing rates increased; asked for suggestions to purchase items for ICAP Safety Grant.

Miscellaneous Reports: Council reviewed Planning & Zoning 9-28-20 Minutes and Parks & Recreation 8-19-20 Minutes.

BUSINESS:

Public Hearing-Amend Tobacco Use/Sales: Motion by Rowe, seconded by Neuendorf to open public hearing to amend Chapter 46.02 and add Chapter 121.07 regarding tobacco use/sales. Call for vote. All ayes. Hearing opened at 7:32 p.m. The proposed change states it unlawful for any person under 21 years of age to be able to smoke, use, possess, purchase, or attempt to purchase tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes and unlawful to sell, give, or otherwise supply items above under age of 21. No verbal or written comments were received. Mayor closed the public hearing at 7:33 p.m.

Readings of Ordinance #275-Amend Chapter 46.02 and Add Chapter 121.07-Tobacco Use/Sales: After review, Rowe moved, seconded by Stagg, to introduce Ordinance #275 by title only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY AMENDING PROVISIONS PERTAINING TO TOBACCO USE” of Chapter 46.02 and add Chapter 121.07 and be given its first reading. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Stagg, seconded by Rowe, that the laws and rules providing that ordinances be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended and dispensed with for Ordinance #275. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Rowe, seconded by Neuendorf to place Ordinance #275 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Ordinance #275 adopted.

Public Hearing-Amend Chapter 155-Building Permits: Motion by Rowe, seconded by Stagg to open public hearing to amend Chapter 155 requiring building permits for 200 square feet or less from the City and not the County. Call for vote. All ayes. Hearing opened at 7:36 p.m. The proposed change states no person or entity shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done without first obtaining a separate building permit for each such building or structure from both the City and the County and unless work is completed in accordance with the Building Code. Any non-commercial buildings or structures 200 square feet or less require a building permit from the City only. Kakacek noted this was in the code before, but when did electrical code update, it was accidentally deleted. No other verbal or written comments were received. Mayor closed the public hearing at 7:38 p.m.

Readings of Ordinance #276-Amend Chapter 155-Building Permits: After review, Stagg moved, seconded by Rowe, to introduce Ordinance #276 by title only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY AMENDING CHAPTER 155-BUILDING PERMITS” adding Chapter 155.06 Permit Required and be given its first reading. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Rowe, seconded by Neuendorf, that the laws and rules providing that ordinances be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended and dispensed with for Ordinance #276. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Stagg, seconded by Gudenkauf to place Ordinance #276 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Ordinance #276 adopted.

Payment to Johnson County Roads-120th/Division Street Project: City had not received request for payment so no action at this time.

Approve Pay Estimate-Division Street Project: After recommendation of approval from city engineer, Gudenkauf moved, seconded by Rowe to approve Pay Estimate No. 4 of \$133,338.33 to Tschiggfrie Excavating for Division Street Project Phase 2. Roll call vote was taken. All ayes. Motion carried.

Resolution No. 2020-39-Engineering Agreement: After review and discussion, Rowe moved, seconded by Stagg to approve Resolution No. 2020-39 entitled “A RESOLUTION APPROVING AGREEMENT BY AND BETWEEN THE CITY OF SWISHER, IOWA, AND HR GREEN INC., FOR ENGINEERING SERVICES FOR THE CITY OF SWISHER”. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-39 passed. Hightshoe requested this go out for bids next year to be fiscally responsible to residents.

Rezone Request: After review and discussion of request and Swisher Planning & Zoning recommendation of approval, Rowe moved, seconded by Stagg to approve request to rezone 2.29 Acres of Kevin Krug property from Agriculture to Residential that is within city’s 2-mile fringe area agreement. Roll call for vote. All ayes. Motion carried.

Residents’ Concern of Dead End on Amy Street: Council reviewed letter of concern regarding parking at dead end of Amy Street, ambulance turning around in their driveways and not at the dead end, illegal parking on lot with camper, pickups, boat, and there is large piles of tree limbs to be picked up. Hightshoe noted there is not enough room for a cul-de-sac for turn around but could add gravel at the dead for backing up, etc. Cutsforth noted they worked with the developer at the time to have a 3 point turn around on Amy Street. Mayor drafted a letter that is being sent to the resident and owner regarding the parking of vehicles, camper, etc. Spoerl will pick up brush in the future. If no action is done by renter/landowner, council will take required action to move the vehicles. Council directed to add approve adding No Parking signs on the next regularly scheduled council meeting agenda.

Resolution No. 2020-40-Renew FD Agreement: Hightshoe noted the current agreement was dated in 1997. Gene Beard noted the fire department is getting loan for new truck and the bank requires an updated agreement. After review and discussion, Gudenkauf moved, seconded by Stagg to approve Resolution No. 2020-40 entitled “A RESOLUTION UPDATING AND REPLACING AGREEMENT FOR FIRE PROTECTION FOR THE CITY OF SWISHER”. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-40 passed.

Request to Purchase City Property: Council reviewed request to purchase rear part of 338 3rd Street SW (city property) which is divided by the creek from Jeff Freilinger. Council noted they have not decided what this property was going to be used for in the future. Council denied the request at this time and directed visioning of this property to be on the October 19th Agenda.

Resolution No. 2020-41-Award Quote-Stump Grind/Tree Removal: After review of only quote received and discussion, Rowe moved, seconded by Gudenkauf to approve Resolution No. 2020-41 entitled “RESOLUTION AWARDED QUOTE FOR TREE REMOVALS, TRIMMING, AND STUMP GRINDING FOR CITY OF SWISHER, IOWA IN CITY RIGHT-OF-WAYS” to Hynek Landscaping for \$70,545.00. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-41 passed. This cost will be turned into FEMA for reimbursement.

Resolution No. 2020-42-Award Quote to Repair Library Lot: Council reviewed bids from Lawn Father of \$2,650.00, Chalupsky Enterprises LLC of \$2,800.00, and Hynek Landscaping of \$3,025.00. After review and discussion, Gudenkauf moved, seconded by Neuendorf to approve Resolution No. 2020-42 entitled “RESOLUTION AWARDED QUOTE TO REPAIR EMPTY LIBRARY LOT FOR THE CITY OF SWISHER, IOWA” to Chalupsky Enterprises LLC of \$2,800.00. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-42 passed. This cost will be turned into FEMA for reimbursement.

Resolution No. 2020-43-Extend Temporary Library Position: After discussion, Gudenkauf moved, seconded by Stagg to approve Resolution No. 2020-43 entitled “A RESOLUTION EXTENDING TEMPORARY LIBRARY CLERK, PART-TIME POSITION FOR THE CITY OF SWISHER, IOWA”

with the Swisher Community Library Board deciding to end position. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-43 passed.

Resolution No. 2020-44-Hire Permanent Part-Time Shared Library/City Hall Position: City Clerk Kakacek and Library Director Hoover gave recommendation to hire Leonard Riker. After discussion, Gudenkauf moved, seconded by Rowe to approve Resolution No. 2020-44 entitled “A RESOLUTION APPROVING THE HIRING OF PART-TIME SHARED POSITION FOR SWISHER COMMUNITY LIBRARY AND CITY HALL” to Leonard Riker. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-44 passed.

Temporary Snow Removal Position: Kakacek noted the city has not received any applications at this time. Rowe noted this position is a guarantee of \$200 a month whether it snows or not.

Archive Social: Kakacek presented quote of \$2,388.00 annually or \$199.00 per month to archive city website and city Facebook page. After discussion, Council felt this was too expensive for town this size to archive but maybe at later date when town gets bigger.

TIF Certification for 2021-22: After review, Gudenkauf moved, seconded by Stagg to approve 2021-22 TIF Certification. Roll call vote was taken. All ayes. Motion carried.

Annual Urban Renewal Report for 2019-20: After review, Stagg moved, seconded by Neuendorf, to approve the 2019-20 Annual Urban Renewal Report. Roll call vote was taken. All ayes. Motion carried.

2019-20 Annual Financial Report: Council reviewed the 2019-20 Annual Financial Report. Gudenkauf recommended in the future to consider permitting/charging permit fee for golf carts to help with cost of enforcing city code.

Address City Brush/Burn Pile: Kakacek presented list of what other cities offer on their brush/burn pile and noted City is still having a lot of issues with people dumping in burn pile that don't live in Swisher and not putting the brush/logs in correct piles as well. Spoerl noted before the storm he would be at the burn pile 5-6 hours a week and now is 6-7 hours a week. Rowe thought Alliant was going to do electrical hookup on pole for camera. Spoerl will check into this. Gudenkauf suggested charging a fee to use the pile. No action at this time.

Council Meeting Times, Etc.: Gudenkauf noted that over 24-month period over 50% of the meetings were over 2 hours long. Council took no action this time.

Communications to Residents: Neuendorf recommended a calendar of events/notices to relay to residents. Gudenkauf would like a strategic plan on this. Kakacek noted that she does a list of notices for the NOJOCO publications and can add other events and present at next regularly scheduled council meeting.

Correspondence: Council reviewed the following: FEMA Letter regarding revised flood hazard information meeting; letter sent regarding junk vehicle; information on Scarecrow Contest; information on trees forever grants; letter inviting comments on Alliant Energy's request to raise electric rates. On the council table for review was the following: Building Permits for 711 Oak Avenue and 225 2nd Street SW and Right-of-Way 141 Orchard Street SW.

Adjournment: Motion by Stagg, seconded by Rowe to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:25 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor