

(Subject to Approval)  
**CITY OF SWISHER, IOWA**  
**CITY COUNCIL MEETING MINUTES**  
**OCTOBER 14, 2019**

**REGULAR CITY COUNCIL MEETING**

**Call To Order:** Mayor Christopher Taylor called the Swisher Council Meeting to order at 7 p.m. at Swisher City Hall, Swisher, Iowa on October 14, 2019.

**Council Present:** Mary Gudenkauf, Jerry Hightshoe, Rebekah Neuendorf, James Rowe, Mike Stagg.

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Carl Spoerl, Library Director Laura Hoover, HR Green Representative Tim Cutsforth, Johnson County Sheriff Lieutenant Brian Adolph.

**Consent Agenda:** Stagg inquired of various bills and asked if Fun Days Committee and City use the same port-o-potties company so could possibly get a lower rate. Kakacek will check into this. After review and discussion, Stagg moved, seconded by Gudenkauf to approve the Consent Agenda consisting of: Agenda; September 9, 2019 Meeting Minutes; updated List of Claims; September 2019 Clerk/Treasurer Report and Utility Billing Audit Report; notice of Halloween Trick/Treat Night on Thursday, October 31<sup>st</sup> from 5:30 p.m. to 8 p.m.; and notice of open board positions of Board of Adjustments, Park & Recreation, Library Board, Planning & Zoning. Roll call vote was taken. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Motion carried.

**Citizen Comments:** None.

**Reports:**

**Sheriff:** Johnson County Sheriff Lieutenant Adolph asked when the detour would start on Alan Avenue. Cutsforth stated it would be next week.

**Library:** Library Director Hoover stated the following: the library meeting room will be a Trick/Treat warm up station serving hot cider and treats plus a photo booth on Thursday, October 31<sup>st</sup> for kids and adults to come and warm up while trick/treating. The library board is working on renewing the library accreditation.

**Engineer:** HR Representative Cutsforth reported the following: reviewed sink hole on 3<sup>rd</sup> and Howard streets; attended meeting with Gudenkauf and the county zoning department regarding fringe area agreements; surveyed Division Street Phase 2 for street alignment/profile and should have meeting soon on Phase 2; alley project may start this week; gave Division Street Phase 1 update and noted it is 3-4 weeks behind due to the weather. He asked council if okay with his recommendation of putting only the culvert in now between Alan and Swisher View streets, with a detour down Alan Avenue for a short time, then open Division Street through the winter and go back in spring to tear up the last section of road with another detour. Otherwise, if they try to do the whole area now and it snows early, the detour could be all winter. Council was okay with his recommendation to keep detour short. Hightshoe expressed concern of detour on Swisher View from 3<sup>rd</sup> Street to the post office with the farm-to-market trucks. It was noted letters were sent of the no parking on Alan Avenue and part of 3<sup>rd</sup> Street. Council directed Spoerl to put up "No Parking" signs when the detour starts.

**Mayor:** Mayor Taylor stated he attended the Iowa League of Cities Conference with the city clerk and attended the Johnson County Joint Cities Meeting.

**Council:** Gudenkauf reported she met with Johnson County Zoning Administrator Josh Busard, HR Green representatives Tim Cutsforth and Jim Halverson regarding fringe area agreements with Swisher, Cedar Rapids, and Johnson County. She recommended council and mayor attend Swisher Planning & Zoning Meeting on October 28<sup>th</sup> as Josh Busard will present the proposed fringe area agreements. Council agreed and this will be a joint meeting and hosted at library meeting room.

**Employees:** Superintendent of Public Works Spoerl reported the following: due to the large hole on 3<sup>rd</sup> Street by Howard Avenue he had sewer line televised which had a break; prepared the snow plows for the upcoming season; worked on more safety classes, He also will be doing the following: renting an excavator and cleaning the ditches in the spring instead of this fall; Parks & Recreation Committee approved moving sign at Castek Park; adding posts on park trail with chain and lock as someone had driven a truck on the ball field and tore it up; removing a few popup trees at the park; would like to take the tree down between the pavilion and building; removing tetherball pole when the ground is drier; purchase a carbide blade to cut down the tennis poles; fill in dirt around the parks' concrete pads; he has been trying to get ahold of Brown Concrete to dig up area by Cerveny's place. He also reported that he repaired some alleys; serviced the John Deer tractor and skidloader; ordered diesel fuel for the generators; would like to budget next year an extra blower for a spare at the sewer plant; IDNR will be doing an inspection at the sewer plant on Wednesday. Kakacek reported the following: she has loaded the Iowa League of Cities conference handouts on the city drop box and available for viewing; received ICAP grant of \$71.97; will be attending the IMFOA Conference this Wednesday thru Friday and the Resiliency through Collaboration on Monday, October 28<sup>th</sup> with the Mayor and Gudenkauf; thanked Alice Linhart for the donated plant at city hall; Swisher Farmers Market is done for the season; recommended the city does not transfer to reserves for 2018-19 at this time and transfer more to reserves in June 2020 if the funds are available and not in certificates of deposit. Council agreed on waiting for the transfers to reserves.

**Miscellaneous Report:** Council and Mayor reviewed 8-29-19 Parks & Recreation Board Minutes.

#### **BUSINESS:**

**Public Hearing Date-Amend Chapter 7.05-Operating Budget Preparation:** Motion by Gudenkauf seconded by Neuendorf to open public hearing date to amend Chapter 7.05 Operating Budget Preparation. Call for votes. All ayes. Motion carried and public hearing opened at 7:55 p.m. No verbal or written comments were received. Mayor Taylor closed public hearing at 7:56 p.m.

**1<sup>st</sup> & Final Reading of Ord.#273—Amend Chapter 7.05-Operating Budget Preparation:** After review, Stagg moved, seconded by Hightshoe, to introduce Ordinance #273 by title only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY AMENDING PROVISIONS PERTAINING TO OPERATING BUDGET PREPARATION” of Chapter 7.05 and be given its first reading. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Neuendorf, seconded by Stagg, 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 #273. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Stagg, seconded by Rowe to place Ordinance #273 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Ordinance #273 adopted.

**Resolution No. 2019-45-Approve Engineer Agreement:** After review and discussion, Neuendorf moved, seconded by Rowe, to approve Resolution No. 2019-45 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. 2019-45 passed.

**Approve Pay Request for Division/120<sup>th</sup> Street Project:** HR Green Representative Cutsforth presented Johnson County Pay Request for 2 months of work. After discussion and review, Gudenkauf moved, seconded by Neuendorf to approve payment to Johnson County of \$167,201.22 for work on Division/120<sup>th</sup> Street Project. Roll call vote was taken. All ayes. Motion carried.

**Resolution No. 2019-46-Approve Railroad License Permit and Temporary Access Agreement:** After review and discussion, Stagg moved, seconded by Hightshoe, to approve Resolution No. 2019-46 entitled “A RESOLUTION APPROVING A LIMITED USE PERMIT AND TEMPORARY ACCESS AGREEMENT FOR ALLEY PROJECT BY AND BETWEEN THE CITY OF SWISHER, IOWA, AND CEDAR RAPIDS AND IOWA CITY RAILWAY (CRANDIC)” with limited use permit term expiring 10/14/2069. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2019-46 passed.

**Approve Payment to Ken-Way:** Public Works Superintendent Spoerl explained about the emergency sewer line break on 3<sup>rd</sup> and Howard streets. After discussion, Gudenkauf moved, seconded by Neuendorf, to approve payment to Ken-Way for sewer line repair of \$15,381.34. Roll call vote was taken. All ayes. Motion carried.

**Request to Leave Dumpster at Current Location:** Council and Mayor reviewed letter from Judy & Jerry Nicholls requesting to leave their dumpster in the city right-of-way. Kakacek noted city attorney says city should not allow the dumpster in the city right-of-way. After discussion, Council directed city clerk to send letter to remove the dumpster from the city right-of-way within 2 weeks of letter sent. If no response, the city will have the attorney start with municipal infraction.

**Resolution No. 2019-47-Approve Contract for Wastewater Treatment Operations:** Kakacek noted ION changed the agreement as the city attorney recommended except part on indemnification. After review and discussion, Gudenkauf moved, seconded by Stagg, to approve Resolution No. 2019-47 entitled “A RESOLUTION AUTHORIZING THE CITY OF SWISHER TO ENTER INTO CONTRACT FOR OPERATION FOR SWISHER WASTEWATER TREATMENT PLANT” with ION Environmental Solutions. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2019-47 passed. Council directed city clerk to get a list of other cities they do work for and look at their contracts regarding the indemnification. Council would like to follow up on this contract in 6 months.

**Refer to P & Z Request to Purchase Alley:** Council reviewed letter of request from Judy & Jerry Nicholls to purchase alley on the east side of their property at 112 1<sup>st</sup> Street, Swisher IA due to drainage issues. Stagg noted he was not in favor of selling city property in case easements are needed for utilities. Rowe suggested having the purchase agreement include a city easement. Mayor noted there shouldn't be any utilities thru the alley as the utilities could go thru Summit Avenue. Gudenkauf inquired what other reasons would the city keep the alley. Rowe suggested P & Z Commission recommend of what to be done with city alleys in the future. After discussion, Rowe moved, seconded by Hightshoe, to refer request to purchase alley to Swisher Planning and Zoning for recommendation. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe. Nays: Stagg. Motion carried.

**Approve Bid to Purchase Sand:** Aster review of costs of sand and delivery charge per load, Neuendorf moved, seconded Stagg, to purchase sand at \$668.50 plus delivery charges from S & G Materials. Roll call vote was taken. All ayes. Motion carried.

**Temporary Part-Time Snow Removal Position:** Kakacek stated no-one has applied for this position. It is posted around town, on city website and Facebook page. No action taken at this time.

**Approve Payment for Generator:** Kakacek noted the bill increased for the building permit fee and additional grounding/wiring per our code. The federal grant will not pay for this additional increase. After review, Stagg moved, seconded by Gudenkauf to approve payment to Power Services Company for balance owed of \$7,016.85 for city generator. Call for vote. All ayes. Motion carried.

**2018-19 Annual Financial Report:** Kakacek noted this has not been published as the state is having problem with the software. Mayor and Council reviewed the 2018-19 Annual Financial Report that is due to the state by December 1<sup>st</sup>.

**Correspondence:** Council reviewed the following: traffic count from JCMPO; notice of Water Feasibility Committee to be created that was posted around town, city website and facebook page; letter sent to residents along Alan Avenue of no parking when detour of Division Street Project starts; letter sent to landlord to remind his tenants to move their vehicles when city removes snow on streets; parking ticket letter; email from state stating City of Swisher will be included on the email list to bid for rock/salt in 2021; email from MidAmerican Energy Company offering Trees Please application. September 2019 Sheriff's Report; Building Permit for 209 Rose Avenue SW; September 2019 City Scape; ECICOG workshop materials; Iowa League conference vendor materials; Iowa Foundation for Parks & Recreation Mini Grants Application; Iowa League of Cities proposed Legislative 2020 value were on the council table for review.

**Adjournment:** Motion by Neuendorf, seconded by Gudenkauf to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:14 p.m.

---

Tawnia Kakacek, City Clerk/ Finance Officer

---

Christopher Taylor, Mayor