

(Subject to Approval)  
**CITY OF SWISHER, IOWA**  
**CITY COUNCIL MEETING MINUTES**  
**NOVEMBER 8, 2021**

This meeting was also held electronically. Anyone could attend in person, 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 7:00 p.m. at Swisher Library, Swisher, Iowa on November 8, 2021.

**Council Present:** Mary Gudenkauf, Kody Pudil, James Rowe, Michael Stagg. Attended electronically was Rebekah Neuendorf.

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek, Superintendent of Public Works Al Fear, Library Director Laura Hoover, Communication Coordinator Julie Persons; HR Green Representative Tim Cutsforth, Johnson County Sheriff Brad Kunkel, Kris Heims, Alan Fisher, John Wagner, Aaron Fisher, Steve Seltrecht, Steve Smith of Johnson County Refuse. Via conference call were Gene Beard, Steve Scott, Cedar Valley Humane Society were Nick Geinosky and Lonnie Viner.

**Consent Agenda:** It was requested to remove Item 4g-Payment to Johnson County for 120<sup>th</sup>/Division Street Project as have not received paperwork and remove October 2021 Clerk/Treasurer Report as working on software issue. Stagg moved, seconded by Rowe to approve the approve the Consent Agenda consisting of: Agenda with removal of Item 4g and October 2021 Clerk/Treasurer Report; October 11, 18, and 26, 2021 Council Minutes; updated List of Claims; October 2021 Utility Balance Report; Resolution No. 2021-43 to transfer funds from TIF and LOST to Debt Service for Division Street Bond interest payment; notice of vacancies for Board of Adjustments, Planning & Zoning, Parks & Recreation, Library Board. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Motion carried.

**Citizen Comments:** None were presented.

**Reports:**

**Sheriff:** Johnson County Sheriff requested to address council now instead of later on the agenda as he had to leave for a call. Council agreed. He noted there will be no financial increase on next year's contract. Kunkel went over the monthly report, and the annual reports will now be on fiscal year not calendar year totals. Pudil noted there is a lot of speeding on Swisher View Drive and Division Street. Kunkel noted they have electronic speed sign the City can use and noted Solon has a few electronic flashing stop signs that seem to help, and maybe the City may want to considering purchasing that type of signs. October 2021 Sheriff report was presented.

**Librarian:** Hoover noted the following: attended National Small Libraries Conference and it went well; she will be taking on project for large print books for dyslectic patrons; will be signing up with book seller to get credit for trading in books to get new ones; received \$500 Johnson County Community Fund Grant to replace the last old computer; received ARPA Humanities Grant for promoting and publicizing the library; did inventory; and will be closed Thanksgiving and day after Thanksgiving. September 26, 2021, Library Board Minutes were presented.

**Engineer:** Cutsforth noted the following: met with an attorney for sewer line location and depth; GIS Storm water map is done and doing final review; met with developer of property sold northeast of post office; reseeded on Division Street Project, but Hoover's and Rowe's property needs work yet; Water Study is in internal review and should be ready soon; Sanitary Study for future subdivisions should be done by November 19<sup>th</sup>.

**Mayor:** Mayor Taylor reported the following: re-elected for 2 more years on the Iowa League of Cities Executive Board; will be attending next Wednesday & Thursday for ILOC Strategic Retreat; reappointed to Education Committee for the Municipal Leadership Academy; redistricting does not affect Swisher, but will have to submit that to Johnson County.

**Council:** Gudenkauf noted she attended Trends in Local Government Revenues and Spending in Iowa webinar which was good. Pudil noted residents asked if there was a building placed on an easement. He will get specific information to the city office, and it will be reviewed.

**Employees:** Council reviewed ION report; Al noted the following: Justice Electrical has installed the electrical on Division Street lights; 3<sup>rd</sup> Street shop building will be removed this Wednesday; alley work is done by 1<sup>st</sup> Avenue; continues to service the city equipment. Kakacek read her report and is on file at city hall. She did ask Mayor, Council and staff if they want to do a Christmas Party potluck at the December council meeting as have done in the past. Council decided to do this at 6 p.m., before the meeting. Persons gave update of increased usage of Swisher Facebook page and will be working on making city forms writeable online. Hoover will send the library newsletter to her as a link for Swisher page.

**Miscellaneous Reports:** Council reviewed Swisher Planning & Zoning October 25, 2021 Minutes, Swisher Parks & Recreation September 15, and October 20, 2021 Minutes.

#### **BUSINESS:**

**Resolution No. 2021-44-Salary Increase for Temporary Library Staff:** Hoover noted she received a ARPA Humanities Renewal Grant of \$2,500 to pay a designated staff person to create newsletter, etc. at \$12.00 per hour. She would like Kelsey Taylor to do this. After review and discussion, Stagg moved, seconded by Rowe to approve Resolution No. 2021-44 entitled "A RESOLUTION TEMPORARILY INCREASING PAY FOR TEMPORARY LIBRARY CLERK, PART-TIME POSITION FOR THE CITY OF SWISHER" to Kelsey Taylor at \$12.00 per hour until the \$2,500 grant funds are used up including her benefits. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-44 passed. This is effective 11-16-21.

**Cedar Valley Humane Society:** Representatives Nick Geinosky and Lonnie Viner gave presentation of the Cedar Valley Human Society Renovation and Expansion. They asked Council to consider giving 1.5%-2% of the ARPA Funds the city received. They are asking all cities impacted to consider this donation as well. No action taken. Council will discuss at future date.

**Annexation:** Council decided to discuss together agenda items 4d. Decide on Involuntary Annexation and 4e. Refer Fisher Annexation to P & Z. Cutsforth noted that 527 Swisher View Drive wouldn't be considered involuntary annexation but an annexation with a nonconsenting property owner as over 80% of the annexation request is voluntary. Alan Fisher presented an updated annexation map request showing 50' (.5 acre) strip of land not to be in annexed into the city that adjoins to 527 Swisher View Drive. This would allow 527 Swisher View Drive to remain in the county. After review of email from the nonconsenting property owner and discussion, Rowe moved, seconded by Neuendorf to refer to Swisher Planning & Zoning for review/recommendation the changed annexation request with the 50' strip of land and 527 Swisher View Drive not included for annexation. Roll call vote was taken. All ayes. Motion carried.

**Rezone 1207 L. Road NW, Swisher:** After review of recommendation of approval from Swisher Planning & Zoning and city engineer, Rowe moved, seconded by Stagg to approve rezoning of 1207 L. Road NW, Swisher from A-Agland to R-Residential of 1.38 acres that is within the 2-mile fringe area agreement with Johnson County. Roll call vote was taken. All ayes. Motion carried.

**2021-22 Street Pavement Project:** After review of payment request and city engineer recommendation of approval, Pudil moved, seconded by Stagg to accept 2021-22 Street Pavement Project and approve final payment of \$53,226.00 to Tschiggfrie. Roll call vote was taken. All ayes. Motion carried.

**3<sup>rd</sup> Street Bridge Approach Project:** After review payment request and city engineer recommendation of approval, Pudil moved, seconded by Gudenkauf to accept 3<sup>rd</sup> Street Bridge Approach Project, and approve final payment of \$25,390.00 to Tschiggfrie. Roll call vote was taken. All ayes. Motion carried.

**Resolution No. 2021-45-Approve Engineer Agreement:** Cutsforth noted there is no rate increase from last year. After review and discussion, Gudenkauf moved, seconded by Stagg to approve Resolution No. 2021-45 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, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-45 passed.

**CRANDIC Parking Lot:** Kakacek reported that CRANDIC would lease the parking lot for \$400 a month and that didn’t include the buildings. Neuendorf inquired what they plan to do with the property when the buildings are torn down. After discussion, council opted not to rent the parking lot but to keep in touch with CRANDIC for future possibilities.

**Resolution No. 2021-46-Approve Assignment of Agreement-Jo. Co. Refuse:** Steve Smith of Johnson County Refuse noted he is planning on selling his company to LRS. He noted nothing will change for the city services and contract. After review and discussion, Stagg moved, seconded by Pudil to approve Resolution No. 2021-46 entitled “A RESOLUTION APPROVING ASSIGNMENT OF AGREEMENT FROM JOHNSON COUNTY REFUSE TO LAKESHORE RECYCLING SYTEMS (“LRS”) FOR CURBSIDE COLLECTION AND HAULING SERVICES OF SOLID GARBAGE/TRASH WASTES, YARD WASTE, RECYCLABLES, AND CERTAIN MISCELLANEOUS ITEMS, FOR THE CITY OF SWISHER, IOWA”. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-46 passed. Stagg and Mayor thanked Smith for coming and presenting this to the City.

**Resolution No. 2021-47-Approve Lease Agreement-Riverside Sports Cars:** Kakacek presented 2 versions of lease agreement (one from the attorney and a shortened version that was edited by staff) to store city vehicles and equipment. After review and discussion, Pudil moved, seconded by Rowe, to approve Resolution No. 2021-47 entitled “A RESOLUTION AUTHORIZING THE CITY OF SWISHER TO ENTER INTO A LEASE AGREEMENT WITH RIVERSIDE SPORTS CARS IN SWISHER, IOWA” FOR \$200.00 a month and use the city attorney version of lease agreement. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-47 passed.

**Remove Tree:** Fear presented bid from CJZ Tree Service and noted Leaf Hopper wasn’t going to bid. After discussion, Gudenkauf moved, seconded by Pudil, to approve bid from CJZ Tree Service of \$600.00 to remove split tree in alley between 110 and 122 Howard Avenue. Call for vote. All ayes. Motion carried.

**Set Public Hearing Date-Add Chapter 78-Allowing UTVs on Swisher Streets:** After review of proposed ordinance, Rowe moved, seconded by Stagg, to set public hearing date for adding Chapter 78-Allowing UTVs on Swisher Streets for December 13, 2021, at 7 p.m. at Swisher Library. Call for vote. All ayes. Motion carried.

**Resolution No. 2021-48-Hire Snow Removal Person:** Fear received application from Aaron Fisher and recommended to hire him. Fear noted he would like to hire couple of other persons for backup of snow removal and will make recommendation next meeting. After discussion, Pudil moved, seconded by Rowe, to approve Resolution No. 2021-48 entitled “A RESOLUTION AWARDING POSITION AND SETTING THE SALARY FOR TEMPORARY SNOW REMOVAL POSITION FOR THE CITY OF SWISHER” to Aaron Fisher at hourly rate of \$15.00 but guaranteed \$50.00 weekly. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-48 passed.

**Purchase Tires:** Fear presented prices for skid loader tires. After review, Pudil moved, seconded by Rowe to purchase tires for skid loader up to \$800.00 wherever Fear decides to purchase from. Roll call vote was taken. All ayes. Motion carried.

**Resolution No. 2021-49-Payoff Sewer Loan and Transfer Funds:** Kakacek noted if city paid off the sewer loan now instead of 6-30-22 they would save \$.88 per day interest charge. It was noted this loan is being paid 8 years earlier than planned due to additional principal payments on loan over last decade. After discussion, Stagg moved, seconded by Pudil, to approve paying off the sewer loan of \$18,456.02 and Resolution No. 2021-49 entitled “A RESOLUTION AUTHORIZING THE CITY CLERK TO TRANSFER FUNDS TO PAYOFF SRF SEWER LOAN” from sewer fund to debt service fund for payment. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-49 passed. Gudenkauf stated that all council persons, past and present, that approved the additional payments should be recognized.

**Set Public Hearing Date for Budget Amendment:** Kakacek noted the Division Street Project was budgeted last year to pay off which it wasn't. After review of proposed amendment, Gudenkauf moved, seconded by Stagg, to set public hearing date for budget amendment for December 13, 2021, at 7 p.m. at Swisher Library. Call for vote. All ayes. Motion carried.

**Set Work Session Date:** It was noted the HR Manual didn't get much discussion at last work session and should be discussed at the next work session and discuss registrations for UTVs. It was decided to look at dates of budget sessions in January and February before deciding.

**Correspondence** Council reviewed the following correspondence: response from Birky on letter sent to her regarding her complaints; notice of dangerous building letter sent; thank you card for cleaning up the vandalism done at Downtown Park; Municipal Leadership Academy registration. On council table for review were building permit for 66 2<sup>nd</sup> Street SW and Municipal Finance Workbook from Dorsey & Whitney.

**Adjournment:** Motion by Rowe, seconded by Gudenkauf to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:07 p.m.

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Tawnia Kakacek, City Clerk/ Finance Officer

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Christopher Taylor, Mayor