

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
DECEMBER 11, 2023

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 6:30 p.m. at Swisher Library, Swisher, Iowa on December 11, 2023.

Council Present: Mary Gudenkauf, Rebekah Neuendorf, Kody Pudil, Michael Stagg. Attended via Zoom was Adam Roeder.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Communication Coordinator Julie Persons, City Engineer Melissa Clow, Johnson County Sheriff Deputy, Curt Cline, Daryl Hynek, Chad McCleary-ION Environmental, Mark Ralston, Matt Shock, Chuck Gudenkauf, Shelly Annis. Attended via zoom was Johnson County Board of Supervisor V Fixmer-Oraiz.

Consent Agenda: After review, Gudenkauf moved, seconded by Stagg to approve the Consent Agenda consisting of Agenda, November 13th and 27th and December 5th, 2023 Council Minutes; List of Claims; Resolution No. 2023-50 re-appointing the City Clerk Tawnia Kakacek and City Attorney Mark Parmenter ; Resolution No. 2023-51 re-appointing library board members-Tera Kringle and Caitlin Rowe; notice of City of Swisher Board 2023 and 2024 vacancies. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Roeder, Stagg. Nays: None. Motion carried.

Citizens' Comments: Daryl Hynek expressed concern as didn't know that Swisher had a representative to Johnson County Democratic Party and asked if Council and Mayor can stay neutral and not use political partis in the decisions. Mayor said the City government doesn't have representatives to any political parties. Anyone in Johnson County can join any political party, including people from Swisher. The Republican Party of Johnson County also has representatives who live in Swisher. Mayor also pointed out that individual council members can have opinions but it doesn't become City position unless/until the Council votes on it at a Council meeting. Just because it's a Mayor or Council member's opinion doesn't make it the City's position. Curt Cline inquired why the developer wanted TIF at \$342,000 and now the developer wants more for the amount that was approved for previous developer in 2005. Stagg noted this was discussed but tabled as wanted full council to discuss this. Cline asked Council if they see any problem being blackmailed for TIF money from the developer. Mayor noted all TIF money is paid by new development residents' property tax and not current residents. The language for TIF usage doesn't exist yet. Hynek thought the developer was short changed as the fire water tanks weren't required when the property was purchased and why couldn't the developer be grandfathered in not to have fire water tanks as possible solution for the developer. Mayor noted the city attorney might have a problem with council arbitrarily waiving certain ordinances in the code when they weren't written that way. Hynek inquired why the fire water tanks requirement was passed in a hurry. Mayor noted this has been discussed for years. Gudenkauf noted this was passed after the city water election didn't pass. The city has been upfront with the developer on this. Cline said the developer request should wait until first of the year. Mayor told Cline he can say what he wants about the developer now as a private citizen but when he takes council seat he can't say what he said on his email accusing the private developer of blackmail, etc. as the city could get sued.

Reports:

Sheriff: November 2023 Police Report was submitted.

Engineer: Clow gave report as follows: responded on Flood Plain Ordinance; worked on salt shed pad paperwork; worked on closing out Division Street Phase 1 with the county to get final payment request done within the next month.

Mayor: Mayor gave update as follows: met with Johnson County EMA for their budget and noted they have raised their rate \$.25 more per population and had no-one refuting increase from the residents; the city will need to renew their Hazard Mitigation Plan with Johnson County and needs to be involved in planning process; attended last ECICOG meeting where Swisher goes off the board and another small town (Oxford) goes on and approved ECICOG staff salary increases; he also was appointed to be on the Nomination Committee with ECICOG for 3 weeks. He thanked Stagg for acting Mayor in November due to his absence.

Council: Gudenkauf congratulated Hynek and Cline to be on Council and Annis to be city clerk. She thanked Kakacek, Mayor, Neuendorf, Stagg, and Pudil for their service. She read the attached letter of what has been accomplished and history over her tenure as councilperson. She noted her regret the water vote didn't pass in 1999 to only have cost \$1 million dollars and recommended future council to continue what is best for Swisher.

Employees: McCleary noted it was a pleasure to working this council. McCleary and Kakacek written reports are on file at city hall. Planning & Zoning 11-20-23 Minutes and Library Board 12-6-23 Minutes were submitted for review.

BUSINESS:

Public Hearing – Plans, Specifications, Form of Contract, and Estimate of Cost for Sewer

Project: Motion by Pudil, seconded by Neuendorf to open public hearing. Call for vote. All ayes. Motion carried. Public hearing opened at 7:06 p.m. There were no verbal or written comments submitted. Mayor closed the public hearing at 7:07 p.m.

Resolution No. 2023-52—Approving and Confirming Plans, Specifications, Form of Contract and Estimate of Cost for the Sanitary Sewer Project: After discussion and review of plan, Stagg moved, seconded by Pudil to approve Resolution No. 2023-52 entitled “RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE SWISHER SANITARY SEWER PROJECT”. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Roeder, Stagg. Nays: None. Resolution No. 2023-52 passed.

Resolution No. 2023-53—Provide for Notice of the Taking of Bids for the Swisher Sanitary Sewer Project: Motion by Gudenkauf, seconded by Neuendorf to approve Resolution No. 2023-53 entitled “RESOLUTION TO PROVIDE FOR NOTICE OF THE TAKING OF BIDS FOR THE SWISHER SANITARY SEWER PROJECT”. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Roeder, Stagg. Nays: None. Resolution No. 2023-53 passed. Bids will be due by December 28, 2023, at 1 p.m.

Combine Tree Removal Bids: After discussion, Pudil moved, seconded by Gudenkauf, to combine bids to be sent out for city ash tree removals and sewer project tree removals. Roll call vote was taken. All ayes. Motion carried. Combining these will hopefully get better rates.

Approve Payment-Corum Construction: Fields emailed recommending payment. Pudil moved, seconded by Neuendorf to approve payment of \$46,291.00 for Salt Shed Project to Corum Construction. Roll call vote was taken. All ayes. Motion carried.

Consider Purchasing Property Due to Flood Plain Area: Council reviewed request from the state for the city consider purchasing certain property in flood plain area. Mayor noted this is not going to force anyone to sell their property. It is to help homeowners who might want to sell. This is to clear off list of eligible buyout properties. The program is to reimburse the City 75% for buyout and the state or city pay the other 25%. After discussion, Pudil moved, seconded by Stagg, to proceed to contact the property owner if interested. Call for vote. All ayes. Motion carried.

Approve Payment-Steve's Electric: Fields email noted of overage charges were for a few things that had to be changed plus the break room heat/ac and other items the city would have to bring back electricians to wire up and recommend to payment. After discussion Pudil moved, seconded by Gudenkauf to approve payment of \$13,315.45 to Steve's Electric. Roll call vote was taken. All ayes. Motion carried.

Request from Forrest Ridge LLC to Reconsider TIF Rebate Amount for Development: Mark Ralston noted he put his property up for sale to see if interest but needs to move forward to start development. Discussion of past history with this TIF request was done. Neuendorf noted if the property sells and there is a TIF agreement it doesn't transfer to the new owner. Ralston noted he has done nice jobs at other developments and donate a lot to the communities. He stated the economy has changed and looking at houses cost start at \$500,000 and up and would like to start March 1st, 2024. He liked Hynek's idea of not requiring the fire water tanks. Gudenkauf recommended council to review the approved fire water tank ordinance in the future. Roeder asked Ralston if the TIF rebate was to proceed and if Council repealed the fire water tank ordinance, would this work him. Ralston said yes and not having the tanks would be better. Ralston would like to do only 1 fire water tank in first phase of development but according to the ordinance it would need 2 tanks but he is only off by 100' to require 2nd tank. Roeder noted he did background check with other communities like Walford and Fairfax, other developers wouldn't touch TIF rebate of only \$684,000 as it's too low an amount. Pudil noted council needs to revisit the fire water tank requirements code within 100'. Ralston noted the tanks would be at both entrances. Roeder agrees to delay on 2nd tank for Phase Two. Gudenkauf talked to the College Community School Financial Officer and they had no problem with TIF and their finances. After discussion, Neuendorf moved, seconded by Pudil, to start the process of TIF Rebate of 15% per year with maximum rebate of \$684,000 overall. Roll call vote. All ayes. Motion carried. Shock requested sample of developer agreement even though that will be the last part of creating TIF area and plan. Kakacek will contact bonding attorney on this.

Update on Commercial Refuse/Recycling Survey: Kakacek noted of the only 5 surveys returned that 3 of the 5 businesses didn't want to do the refuse/recycling thru the city with the costs presented. Neuendorf noted the quoted rate is higher for the businesses even though it was same size as residents' garbage cans. She noted this being not effective for businesses in town and would like the city to pay it. She noted city gives zero to businesses in town with lack of amenities. Gudenkauf noted council to consider Swisher support to businesses. After discussion, Kakacek will contact refuse company as inquire why rate differences and if some of the businesses can opt in to do this.

Resolution No. 2023-54—Appoint Mayor Effective January 2, 2024: Gudenkauf noted the 2 write-ins for council had declined the Mayor position. After receiving the only letter of interest, Pudil moved, seconded by Neuendorf to approve Resolution No. 2023-54 entitled "A RESOLUTION APPOINTING AN ELEGIBLE APPLICANT TO FILL THE MAYOR VACANCY FOR THE CITY OF SWISHER, IOWA" to Julie Persons. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Roeder, Stagg. Nays: None. Resolution No. 2023-54 passed.

Resolution No. 2023-55—Hire City Clerk: Neuendorf moved, seconded by Stagg to approve Resolution No. 2023-55 entitled "A RESOLUTION APPROVING THE HIRING OF CITY CLERK FOR THE CITY OF SWISHER, IOWA" to Shelly Annis at \$24.00 per hour. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Roeder, Stagg. Nays: None. Resolution No. 2023-55 passed.

Authorize Additional Compensation for Mayor Pro Tem: Mayor noted he was absent in Mayor duties in November and recommend additional payment of \$150 to Mayor Pro Tem Stagg for his services in November. Motion by Gudenkauf, seconded by Roeder, to approve additional pay of \$150 to Mayor Pro Tem Stagg. Roll call vote was taken. All ayes. Abstain: Stagg. Motion carried.

Resolution No. 2023-56—Opposing Alliant's Electric Rate Increase: After review and discussion of request to join coalition and/or resolution from Clean Energy Districts of Iowa to oppose the magnitude of Alliant Energy's proposed increase in electric rates, Stagg moved, seconded by Neuendorf to approve Resolution No. 2023-56 entitled "A RESOLUTION OPPOSING ALLIANT ENERGY'S ELECTRIC RATE INCREASE". Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Roeder, Stagg. Nays: None. Resolution No. 2023-56 passed.

Correspondence: Council reviewed the following: letter sent to Orchard Street residents regarding dumping into the Swisher Creek; notice of annexation from Cedar Rapids; building permit for 68 3rd Street SE.

Adjournment: Motion by Pudil, seconded by Neuendorf to adjourn. Call for vote. All ayes. Motion carried. The meeting was adjourned at 8:20 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Michael Stagg, Mayor Pro-tem

December 11, 2023

As a new resident in 1997, I joined Swisher's Planning and Zoning Board. I was looking for a way to invest time in our community and there was an opening on the Planning & Zoning Board. I was asked to serve and agreed to do so. Little did I know saying "yes" to a volunteer position on Swisher's P&Z would lead to 25+ years of serving the City of Swisher.

In 2006 Swisher city officials asked if I would lead the creation of a Swisher Community Fund (SCF). The Fund was newly launched under the umbrella of the Johnson County Foundation. As SCF Founding Member and Board President, I spearheaded a capital campaign in raising funds in excess of \$50K to build a children's playground next to Swisher City Hall. My goal in volunteering time with any Swisher organization is to always plan strategically. The one constant is change and it's a City Council's obligation to prepare for Swisher's future and not its past.

After four election cycles with three mayors and 12 fellow council members, I chose to not run in November, 2023 for a fifth term. In my initial run in November 2007, I was humbled to have received the highest number of votes ever cast for a seat on Swisher City Council. Of the 615 registered voters at that time, 181 residents participated (nearly 30% of the voting population) providing me 145 votes or 80% of the total votes.

In November 2013, a contentious Swisher City Council Meeting resulted in an impromptu and simultaneous registration of both Swisher's Mayor and Swisher's City Administrator. I was Mayor Pro-Tem at the time and found myself fulfilling both positions. According to the Iowa League of Cities, this was a first for a community in Iowa. I served in both capacities until a February, 2014 Special Election was held.

During my tenure, the City of Swisher has created a community library which thrives, paid off multiple bonds early, partnered with Johnson County for a \$6 million dollar project, oversaw the city's first-ever condominium development and worked with Johnson County and City of Cedar Rapids for future growth agreements. While all councils I have served with have much to be proud of, I regret that Swisher missed an opportunity in 1999 to pass city water for \$1,000,000. In March of 2023 Swisher residents again voted down bringing a city water utility to Swisher, making it one of only two municipalities in the state without a water infrastructure. My fear is this was not in the best interests of Swisher.

Throughout my service, I have *always* based my decisions on what I felt was best for the FUTURE of Swisher. Often such decisions were in contrast to how I may feel if I were not an elected official. Factual, research-based information guided my belief in the importance of planning in a strategic manner. There is no benefit in planning for our past.

My community engagement and leadership includes serving as an elected official on Governor Branstad's Iowa's Region 10 Workforce Development Board, chairing Kirkwood's Workplace Learning Connection Advisory Board, seven years as a Prairie Schools Foundation Board Trustee, many years as a Trustee on Cedar Rapids Freedom Festival Board as well as an Executive Member of Prairie Schools Booster Club. I appreciated each and every one of these opportunities to give something back.

Thank you to all who have offered kind words of appreciation as I end my tenure. For the future of Swisher, I encourage all incoming councils from 2024-on, to continue strategic-planning for the one thing we know is inevitable; change.

Therese Gudenhart