

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
DECEMBER 13, 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 December 13, 2021.

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

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Superintendent of Public Works Al Fear, Library Director Laura Hoover, Communication Coordinator Julie Persons; HR Green Engineer Jonathon Kline, Johnson County Sheriff Representative Lieutenant Chris Wisman arrived later in meeting, Kris Heims, Bre Horstman-Business Development Manager of South Slope, Scott Ritter--Hart-Frederick Consultants, Daryl Hynek, Steve Seltrecht, Matt Schock-STS Civil Engineering, Audra, Keith, and Joe Nearad, Jared Freese. Via conference call were Gene Beard, Kim Grier, Doug Russell.

Consent Agenda: Gudenkauf moved, seconded by Stagg to approve the approve the Consent Agenda consisting of: Agenda with November 8, 18 and December 6, 2021 Council Minutes; List of Claims; October 2021 Treasurer Report and November 2021 Utility Balance Report; Resolution No. 2021-51 to transfer funds from Debt Service Sewer Bond to Sewer for overpayment; Resolution No. 2021-52 appointing city clerk, attorney and treasurer; Class C Alcohol License and Outdoor Service renewal for DanceMor. Roll call vote. Ayes: Gudenkauf, Pudil, Rowe, Stagg. Nays: None. Abstain: Neuendorf. Motion carried.

Citizen Comments: Bre Horstman from South Slope encouraged city to apply for grants with them for items that don't expire within a year. Gudenkauf appreciated and thanked South Slope for their part in Swisher.

Reports:

Sheriff: November 2021 Sheriff report was presented.

Librarian: Hoover noted the following: she is recertified Library Director thru 2024; two newsletters have been sent out; was asked and joined the county wide Listen, Initiate, Talk Group; replacing evening Storytime with winter game days on Saturday starting January 8th for grades K-6 to play board games, etc. She noted library board member Mary Bryan's term ends this year and has been on board for 12 years. She also noted library board members Ben Winborn and Kaitlin Rowe Zoom in for the board meetings, even when serving our nation's armed forces, which shows true dedication. November 7 and December 5, 2021, Library Board Minutes were presented.

Engineer: Kline noted the following: Downtown Business sign has been moved; been helping with the annexation requests; reviewing plat and working on water study.

Mayor: Mayor Taylor reported the following: attended the last EMA meeting for the year but will start working on budgets with the several entities Swisher is involved with; Swisher will probably be the small city representative from Johnson County on ECICOG this next year.

Council: Gudenkauf asked people on the Zoom meeting if they could hear council and wondered if the city needs microphones which will be discussed later on the agenda.

Employees: Chad McCleary with ION read his report; Fear noted the following: installed the snow fences; put up holiday decorations; getting the salt spreader and snowplows for future snow removal. Kakacek had no report. Persons gave Facebook and website updates. She asked council what they want promoted from council meetings. Stagg recommended she come back with some suggestions.

Miscellaneous Reports: Council reviewed Swisher Planning & Zoning November 29, 2021 Minutes.

BUSINESS:

Public Hearing to Allow UTVs on Swisher Streets: Motion by Rowe, seconded by Neuendorf, to open public hearing to consider allowing UTVs on Swisher streets. Call for vote. All ayes. Motion carried and hearing opened at 7:21 p.m. Mayor explained the proposed ordinance. Daryl Hynek asked why there is a \$10 registration fee and why aren't golf carts licensed. Pudil noted the UTVs must be registered thru the state so wanted to do low rate for registration. Rowe recommended against registering golf carts. Neuendorf noted golf carts should be registered as well so if there is an issue with usage of golf cart, the city would be able to contact that golf cart owner. The Nearad family inquired why not allow ATVs as well. Pudil noted he was just asked about UTVs and that is why he brought it up. It was noted there are major safety concerns with ATVs, seatbelts, etc. Gudenkauf noted the city can address these items separately. Mayor read one written comment city had received in support of ordinance. Mayor closed hearing at 7:34 p.m. It was directed to put consideration of ATVs on Swisher Streets on the January 2022 agenda.

1st Reading of Ordinance #279-Add Chapter 78-Allowing UTVs on City Streets: After discussion and review, Gudenkauf moved, seconded by Stagg, to introduce Ordinance #279 by title only entitled "CHAPTER 78, UTILITY VEHICLES ("UTVS")" allowing UTVs on Swisher city streets and be given its first reading. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Motion carried. Ordinance #279 was given its first reading.

Budget Amendment and Public Hearing: Kakacek noted the budget amendment hearing will have to be reset as the amendment that was published had the wrong line for expenditures. No action taken at this time.

Resolution No. 2021-53-Set Public Hearing to Annex 39 Acres—Forrest Ridge LLC: Kakacek noted it takes combination total of 28 business/working days to send the required annexation meeting and notices before the public hearing. After reviewing recommendation of approval of Swisher Planning & Zoning, Stagg moved, seconded by Gudenkauf to approve Resolution No. 2021-53 entitled "RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER APPLICATION FOR VOLUNTARY ANNEXATION FOR PROPERTY OWNED BY MARK RALSTON, FORREST RIDGE LLC" for February 14, 2022 at 7 p.m. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-53 passed.

Decide on Area to Annex and Approve Resolution No. 2021-54-Set Public Hearing to Annex Fishers Property: Kakacek noted it takes combination total of 28 business/working days to send the required annexation meeting and notices before the public hearing. After reviewing recommendation of approval of Swisher Planning & Zoning to annex in all Fishers property and James property, Gudenkauf moved, seconded by Rowe to approve Resolution No. 2021-54 entitled "RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER APPLICATION FOR VOLUNTARY ANNEXATION FOR PROPERTY OWNED BY FISHER BROTHER, LLC AND WILLIAM A FISHER & DORTHY ANN FISHER REVOCABLE TRUST AND NEAL AND MOLLY JAMES" of approximately 36.6 acres and 1.4 acres for February 14, 2022 at 7 p.m. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-54 passed.

Resolution No. 2021-55-Approve Preliminary & Final Plat-Kulish 1st Subdivision: After recommendation of approval of Swisher Planning & Zoning, Gudenkauf moved, seconded by Rowe to approve Resolution No. 2021-55 entitled "APPLICATION OF DON KULISH REQUESTING PRELIMINARY & FINAL PLAT APPROVAL OF KULISH FIRST SUBDIVISION (Within the 2-mile fringe area agreement)". Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-55 passed.

Payment for Division Street Project-Phase 2: Stagg inquired about removing the weeds in the right-of-way and Kline noted it is being done in the spring. Kline also noted a retainage has not been paid yet due to the removal of weeds and other areas to be fixed. After review of payment request and city engineer recommendation of approval, Neuendorf moved, seconded by Stagg to approve payment of \$103,121.13 to Tschiggfrie for Division Street Project-Phase 2. Roll call vote was taken. All ayes. Motion carried.

Resolution No. 2021-56-Rescind Resolution 2021-48 Hiring Snow Removal Person: Superintendent Fear noted Aaron Fisher is limited to when he can work due to his other job but has another person that can be the snow removal person and have Aaron Fisher as the backup person. After discussion, Rowe moved, seconded by Neuendorf to approve Resolution No. 2021-56 entitled “RESCINDING RESOLUTION NO 2021-48—AWARDING POSITION AND SETTING THE SALARY FOR TEMPORARY SNOW REMOVAL POSITION FOR THE CITY OF SWISHER”. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-56 passed.

Resolution No. 2021-57-Hire Snow Removal Persons: After Fear’s recommendation to hire Osborn and discussion, Neuendorf moved, seconded by Rowe, to approve Resolution No. 2021-57 entitled “A RESOLUTION AWARDING POSITION AND SETTING THE SALARY FOR TEMPORARY SNOW REMOVAL POSITIONS FOR THE CITY OF SWISHER” to Dylan Osborn at hourly rate of \$15.00 but guaranteed \$50.00 weekly and Aaron Fisher as backup snow removal at hourly rate of \$15.00. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-57 passed.

Resolution No. 2021-58-Appointments: Mayor asked if council wanted to address each commission separately before approving resolution as there are 4 applications for the 3 positions on Planning & Zoning. Gudenkauf asked Russell his background of working as engineer for Shoemaker & Haaland Engineers and about his education. Gudenkauf moved, seconded by Neuendorf to add Doug Russell on Resolution for planning & zoning appointment. Call for vote. All ayes. Motion carried. Neuendorf moved, seconded by Stagg to add Kathy Riggle on Resolution for planning & zoning appointment. Call for vote. All ayes. Motion carried. Rowe moved, seconded by Gudenkauf to add Josh Pfannebecker on Resolution for planning & zoning appointment. Call for vote. All ayes. Motion carried. Gudenkauf extended note of appreciation for all that have served. Gudenkauf moved, seconded by Rowe, to approve Resolution No. 2021-58 entitled “A RESOLUTION APPOINTING TO VARIOUS COMMISSIONS FOR CITY OF SWISHER” of Doug Russell, Kathy Riggle, and Josh Pfannebecker to Planning & Zoning, Jared Freese to Parks & Recreation, Ben Winborn as county representative and Monica Cox to Library Board. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Rowe, Stagg. Nays: None. Resolution No. 2021-58 passed.

Microphones for Council Meetings: Gudenkauf wondered if the council needs microphones so people that attend the meeting electronically can hear them. Comments were: hard to hear due to the acoustics in the room; may not need them if move meetings back to city hall; microphones may not work if have OWL system, etc. After discussion, council chose no action at this time.

Set Budget Meeting Dates: After discussion, council set budget meeting dates for January 17 and January 24, 2022 at 6:30 p.m.

Certificates of Appreciation: Mayor presented Certificate of Appreciation to James Rowe for serving as Swisher Councilperson. He also had Certificate of Appreciation to Maureen Shanahan for serving on the Swisher Parks & Recreation Commission but she was not present. Mayor and Council appreciate all the work they did to fulfill their duties.

Correspondence Council reviewed the following correspondence: insurance coverage changes for the city; application to rezone 1577 Courtney Lane, Swisher that is in the Fringe Area Agreement Section 4 that doesn’t require action from the city only needs to make the city aware. On council table for review were building permits for 308 Essex Avenue SW, 338 3rd Street SW, 82 4th Street SE and Mediacom update.

Adjournment: Motion by Neuendorf, seconded by Rowe to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 8:19 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor