

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
FEBRUARY 13, 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 February 13, 2023.

Council Present: Mary Gudenkauf, Kris Heims, Rebekah Neuendorf, Kody Pudil and Michael Stagg.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, Chad McCleary-ION Environmental, HR Green Engineers Joshua Scanlon, Cody Buelt, and Matt Wildman, Daryl Hynek, Chad Velvick, Kate Roeder, Gerald Benett, Sandy Steil, Don Kulish, Ella Nove, Kelsey Taylor, Todd Phillip, Terry Jones, Gina Boebel. Via zoom were Shelley Talbert, Paul Hynek.

Consent Agenda: Mayor Taylor noted it was recommended to move Agenda Items 4j thru 4l right after Agenda Item 4d so one of city engineer could leave and we not get charged for whole meeting, remove Agenda 4f as resolution not ready, and Delta Industries invoice needs to be added to list of bills. Pudil moved, seconded by Neuendorf to approve the Consent Agenda consisting of amended Agenda, January 5th, 9th, 17th, 23rd, and 24th, 2023 Council Minutes; updated List of Claims; January 2023 Clerk/Treasurer Report & Utility Balance Report; Special Class B Retail Native Wine License, Outdoor Service and Sunday Sales Renewal for Vault Boutique; notice of Board of Adjustments vacancies. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Motion carried.

Citizen Comments: Daryl Hynek asked if he could ask questions during the meeting. Mayor noted public could speak on anything during Citizen Comments section. Pudil noted when UTVs were discussed, we let the residents speak. Mayor noted the UTV discussion was at public hearing as part of an ordinance. Hynek noted his questions weren't answered on the water vote and don't know the questions to ask until Council starts talking on the agenda item. Persons noted questions at last public information water meeting were to be answered at the next public information water meeting. Scanlon noted he will get all the questions to Persons and Kakacek tomorrow for the website and in the office. Kate Roeder stated residents weren't made aware of the sewer project. She asked why the bridge isn't being improved and have the sidewalk installed on the north side of 3rd Street where it affects 2 residents instead of 7 residents for the sewer project. Buelt noted the street will be widened to SUDAS Standards the City adopted. He noted the sidewalk was joint decision between the city and engineer; grading is better on the south side of road; lines up better as continue east on 3rd Street. Roeder stated the city should take account of the residents' homes and damage to their properties. Buelt noted the bridge has some lifespan left but when bridge is replaced it will be widened to match the road. He noted the sewer project was being done to replace undersized sewer lines and upgrade for near future developments to the north. Gerald Bennett noted he was asked to sign a temporary construction easement agreement for the sewer project that is not approved yet and was told by engineer that he can't negotiate for agreement. Buelt noted the design plan is 99% done and is trying to figure a way so not much work would be done on his property. Buelt stated per Cutsforth no negotiation was done on the Division Street Project for the construction easements and all work done on his driveway will be replaced with the same material his driveway currently. They will have concrete entrance to their driveway plus curb and gutter on their streets for this project. Roeder noted her electric fence has to be dug out as in the city right of way and thinks the City should fix it. Pudil thinks the City should fix the fence. Stagg noted there are still some easements not signed yet. Roeder inquired if her property right of way was changed. Mayor noted to his knowledge there has been no change since that part of town was platted decades ago. Chad Velvick inquired what type of investigation was done for well siting and was March 7th the only date to have election. Scanlon noted it was a desktop investigation. Persons noted per IA Code 39.24, there can only be special

elections in March and September and as part of regular election in November. Velvick noted the Catalyst Grant application presented at last meeting, council voted No as needed plans and more time and asked why the Water vote can't have more time. Mayor noted the catalyst grant application had to be submitted 5 days from when they received it and they still didn't have the pre-application ready at that meeting. Mayor stated the election date can't be changed now and the ballots are printed and asked Council after 3-year period working on the water why they chose March. Heims noted Council made motion to move forward in September and in December Council approved to do ballot vote. She agrees with lack of questions not answered at last meeting. Heims noted the Water Committee has been doing research for a long time and noticed on Velvick's new water Facebook page it still has the old water proposal on the site and not the current one and would like the fire department and council to be not blocked from the Facebook page so they give correct information. Mayor noted council should be careful responding on any Facebook page because if 3 councilmembers respond it could be considered a meeting. Velvick noted at the last water meeting it was hard to hear due to so many talking and wondered if something can be done differently for future meeting. Heims noted the engineer needs to repeat the question at meeting so everyone could hear. Wildmann noted they plan to have people come up front to talk in the microphone. Velvick requested to put the questions online. These questions will be put online. Bennett offered to bring his sound system up to help with the meeting. Council appreciated this and took him up on his offer. Velvick questioned why the council didn't talk at the water meetings. Mayor said it is a public informational meeting and not a council meeting. Per Iowa Code 21.2 council can attend to receive information/input but cannot comment as not a city council meeting. D. Hynek noted he would like to hook up to sewer as it wasn't done in 1974. This will be on future agenda. Gina Boebel noted 2 posts were removed and not put back on their property for sewer project and request the City put them back as they are their property line location. Fields will inform contractor to put posts back in place.

Reports:

Sheriff: December 2022 and January 2023 reports were submitted. No Deputy was present.

Engineer: Buelt reported the following: sent out request for proposals for tree removal bids for sewer project, worked on construction easements, SRF Loan application; gave update on shop site plans.

Mayor: Taylor gave his schedule of meetings he is attended for as representative for Swisher: 8 meetings since last council meeting and have 9 more meetings more to attend thru February 23. They are County Assessor Board, Metro Planning Organization, EMA Commission, Water Meetings, ILOC, and ECICOG.

Council: No reports.

Employees: McCleary, Hoover, Fields and Kakacek written reports are on file at city hall.

Miscellaneous Reports: Swisher Planning & Zoning 1-16-23 Minutes.

BUSINESS:

Public Hearing on Max Dollar Levy for 2023-24 Budget: Motion by Heims, seconded by Neuendorf to open public hearing. Call for vote. All ayes. Motion carried and hearing opened at 7:53 p.m. Mayor explained the max levy requirement and noted the state made a mistake on property valuations and will reduce the revenues for next year budget. The state is still making decision to reimburse the cities as to backfill the loss revenue. No written comments were received. Mayor closed public hearing at 7:55 p.m.

Resolution No. 2023-06—Approve Max Levy Dollar for 2023-24 Budget: Motion by Pudil, seconded by Stagg, to approve Resolution No. 2023-06 entitled 'A RESOLUTION APPROVING THE MAXIMUM PROPERTY TAX DOLLARS FOR BUDGET YEAR JULY 1,2023 TO JUNE 30, 2024'. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2023-06 passed.

Set Public Hearing Date for 2023-24 Budget: After review, Stagg moved, seconded by Heims to set public hearing for 2023-24 Budget on March 13, 2023 at 6:30 p.m. in Swisher Library. Call for votes. All ayes. Motion carried.

Purchase Blower for Sewer Plant: Council had questions on request and prices. McCleary had left earlier so council tabled this for next regularly council meeting.

Tree Removal Bid for Sewer Project: Buelt noted bids received were from Hynek Landscaping of \$131,424.00 and Corum Construction of \$23,995.77. He recommended not to take these bids and rebid in the fall due to short window to have them down by March 31st and delay to bid out Sewer Project. Council took no action.

Resolution No. 2023-07—Approve Permanent Easement for Sewer Project: Buelt explained easement. This was the only permanent easement needed for the project. Motion by Stagg, seconded by Gudenkauf, to approve Resolution No. 2023-07 entitled ‘A RESOLUTION APPROVING PERMANENT EASEMENT FOR THE SEWER PROJECT’ with Ron and Kathy Riggle. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2023-07 passed.

Resolution No. 2023-08—Approve Amendment No. 2 to Engineering Agreement for Sewer Project: Buelt noted the IDNR is requiring a Wetland Delineation Study which wasn’t in the agreement. Motion by Neuendorf, seconded by Pudil, to approve Resolution No. 2023-08 entitled ‘A RESOLUTION APPROVING AMENDMENT NO. 2 TO ENGINEERING AGREEMENT WITH HR GREEN FOR SEWER UPGRADE PLANS/SPECS FOR ANNEXATIONS FOR CITY OF SWISHER, IOWA’ at increase of \$12,725.00. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2023-08 passed.

Well Siting Report: Scanlon noted they received final testing end of January. After review and discussion, Stagg moved, seconded by Pudil to approve Well Siting Report. Roll call vote. All ayes. Motion carried.

3rd Water System Public Information Meeting: Scanlon inquired if Council would like to move the last meeting as that is on Ash Wednesday or add another meeting. Pudil didn’t want to move the meeting as already posted but would like to add another meeting. After discussion, Pudil moved, seconded by Neuendorf to set another water system public information meeting for Sunday, February 26, 2023 at 3 p.m. at the American Legion. Call for vote. All ayes. Motion carried.

Water System Discussion: Wildman noted HR Green will take all the questions presented and send list to city to put on website. Pudil asked several questions regarding how costs estimates were figured, well abandonment, electrical hookup, etc. The estimated cost for rate was based on 377 current households and projected growth with total households to be 834 several decades from now. Wildman noted projections are speculative as timeline is uncertain at this time. The city will need to hire a municipal advisor to calculate the actual rates. Phase 1 estimated use rate is based on current residential households. Engineers calculated to do flat rate until water is hooked up with the rate not starting until 2024. Pudil inquired if have different council persons in the future what will happen to rates, etc. Mayor noted the last sewer plant upgrade was done the rates weren’t increased and then had to increase rates for several years to cover the upgrade costs. Pudil noted it would be good to do a percentage increase each year to cover increasing costs of maintenance, bond payment, etc. Scanlon noted the water project estimate includes contingency cost is calculated 45% (30% construction and 15% administrative). Neuendorf noted city needs to prepare residents of rates so they can budget accordingly. Stagg and Heims noted there are grants for infrastructure and PFAS, but the water has to be voted in before they can apply for grants which can reduce residents’ water rate. After discussion, directed engineer to draft information sheet with estimated rate schedule, notice of 4th meeting, and estimated timeline of water project if voted approved. Kakacek will mail

to residents/businesses. Gudenkauf requested draft be sent to council to review and recommended each councilperson to send any changes to Kakacek that will be forwarded to engineer.

Revisit PFAS: Heims noted there are now 4 houses within Swisher city limits have been tested positive for PFAS. Julie Persons noted her well tested for PFAS and they will have to spend \$1,200 to do reverse osmosis to have safe drinking water, but rest of the water used for other things will still have PFAS. Heims noted Johnson County will be testing 15 homes in Swisher for PFAS and people seemed to be informed about the issue. Terry Jones noted the requirement for PFAS level may increase. Heims will check with the county about the number that have tested for PFAS, their outcome and report before the March meeting.

Resolution No. 2023-09—Approve Rezoning Request for 2612 120th St. NW-62 Acres: Todd Philipp requested to rezone 23.37 acres to Commercial and 30.13 acres to Light Industrial all from Agriculture. He noted this property would be made into a park setting with a dealership for RVs, gas station and hotel/apartment building. After discussion and review Neuendorf moved, seconded by Gudenkauf, to approve Resolution No. 2023-09 entitled “RESOLUTION APPROVING APPLICATION OF TODD PHILIPP FOR LOREN ZISKOVSKY PROPERTY, REQUESTING A REZONING OF 30.13 ACRES FROM A-AGRICULTURE TO LIGHT INDUSTRIAL AND 23.37 ACRES FROM A-AGRICULTURE TO COMMERCIAL OF PROPERTY OF 2612 120TH STREET NW, SWISHER IN JOHNSON COUNTY, IOWA. (Withing the 2-mile fringe area agreement)”. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None Resolution No. 2023-09 passed.

Payment Request for USGS Study on Water Withdrawals: After review and discussion of request Pudil moved, seconded by Stagg, to approve payment of \$119.00 to Johnson County Board of Supervisors for United States Geological Survey on water withdrawals. Call for vote. All ayes. Motion carried.

Payment to Corum Construction: Fields noted that grading and seeding will be done in the spring. Neuendorf asked if sewer cleanouts could be cut down and Fields will tell Corum. Gina Boebel noted there are trees down that need to be removed from the project. Neuendorf noted the affected residents on this project had no knowledge when the work was going to be done. Fields apologized of no notice. Neuendorf inquired if replacing their big tree was in the quote and it wasn't. She was okay with it but may lose her big tree and noted in all future projects, tree replacement needs to be considered. Boebel asked to have the manhole fixed at end of their drive from the project. Fields will fix. Due to some of the work not completed, Pudil moved, seconded by Stagg to approve partial payment to Corum Construction of \$45,000.00 for Oak Avenue Sewer Project. Roll call vote was taken. All ayes. Motion carried.

Payment to Eastern Iowa Building: Fields noted work was done and recommend payment. Motion by Stagg, seconded by Pudil, to approve final payment to Eastern Iowa Building of \$50,669.00 for shop building. Roll call vote was taken. All ayes. Motion carried.

Payment to Iowa Precision Concrete: Fields noted increase cost of \$5,996.00 was for additional rebar and foam required by the building inspector. Motion by Pudil, seconded by Neuendorf, to approve final payment of \$15,002.00 to Iowa Precision Concrete for shop building project. Roll call vote. All ayes. Motion carried.

Shop Building Addition Bid: Fields presented 2 quotes from Eastern Iowa Building for shop building addition. One was \$82,980 for 40' x 40' x 18 Lester Building including replacing concrete slab and other bid included the previous but added spraying insulation and interior liner steel on walls and ceiling with total of \$104,471.00. Fields noted got quote only from this company as we purchased the first building from so the buildings match, etc. After discussion, Stagg moved, seconded by Pudil, to approve quote from Eastern Iowa Building of \$104,471.00. Roll call vote was taken. All ayes. Motion carried.

Resolution No. 2023-10—Approve Right of First Refusal Agreement: After review and discussion, Neuendorf moved, seconded by Stagg, to approve Resolution No. 2023-10 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWISHER, IOWA APPROVING

AN AGREEMENT FOR RIGHT OF FIRST REFUSAL WITH SOUTH SLOPE COOPERATIVE TELEPHONE COMPANY FOR REAL ESTATE LOCALLY KNOWN AS 78 2ND STREET SW, SWISHER, IOWA”. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None Resolution No. 2023-10 passed. Mayor thanked Gudenkauf for keeping on this.

Resolution No. 2023-11—Approve Using STRIPE for Payments for Youth Recreation Sports:

After review and discussion, Pudil moved, seconded by Heims, to approve Resolution No. 2023-11 entitled “A RESOLUTION APPROVING DEBIT/CREDIT CARD PAYMENT PROGRAM FOR REGISTRATION OF SWISHER RECREATION PROGRAMS” with STRIPE. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None Resolution No. 2023-11 passed.

Resolution No. 2023-12—Close Out Delinquent Utility Account:

After review and discussion, Stagg moved, seconded by Pudil, to approve Resolution No. 2023-12 entitled “RESOLUTION AUTHORIZING AND DIRECTING THE CITY CLERK/FINANCE OFFICER TO WRITE-OFF UTILITY ACCOUNT AS UNCOLLECTIBLE”. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None Resolution No. 2023-12 passed.

Correspondence Council reviewed the following: email response from CRANDIC regarding nuisance building letter sent; right-of-way permit for MidAmerican for city sewer project; building permit for 241 Orchard Street; Johnson County announcement regarding 4th Heartsafe Community in US; ECICOG information on broadband investment; current list of elected officials and committees. On council table to review was ISU Community Matters Now and ECICOG 2022 annual report.

Adjournment: Motion by Neuendorf, seconded by Stagg to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 10:07 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor