

(Subject to Approval)  
**CITY OF SWISHER, IOWA**  
**CITY COUNCIL MEETING MINUTES**  
**FEBRUARY 14, 2022**

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 February 14, 2022.

**Council Present:** Mary Gudenkauf, Kris Heims, Rebekah Neuendorf, Michael Stagg. Absent: Kody Pudil. Pudil arrived at 7:02 p.m.

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek, Communication Coordinator Julie Persons, Chad McCleary, City Engineer Jonathon Kline, Johnson County Sheriff Representative Lieutenant Chris Wisman Doug & Melanie Tomash, Alan Fisher, Steve Selbrecht, Audra, Keith, and Joe Nearad. Via Zoom was Gene Beard, Brad Dahlstrom and other participants.

**Consent Agenda:** Gudenkauf moved, seconded by Heims to approve the Consent Agenda consisting of: Agenda, January 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>, and February 1, 2022 Council Minutes; updated List of Claims; January 2022 Clerk/Treasurer Report and Utility Balance Report; Class B Native Wine Permit, Sunday and Outdoor Service renewal for Vault Boutique, LLC; notice of Board of Adjustment vacancies. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Pudil arrived at 7:02 p.m.

**Citizen Comments:** Gene Beard noted he couldn't hear the council well on the zoom call. Persons tried some adjustments to the system.

**Reports:**

**Sheriff:** January 2022 Sheriff report was presented. Wisman noted the proposed UTV ordinance is enforceable but has concerns with the current and proposed ATV ordinance that it does not require insurance.

**Librarian:** Mayor read Librarian written report and is on file at city hall. Library Minutes of December 5, 2021 and February 2, 2022 were presented.

**Engineer:** Kline reported the following: helping Kakacek with the annexations; finishing up on the Castek Trail Plans to bid out; Cutsforth is working on the water and sewer reports plus the Division Street request for payments from county.

**Mayor:** Mayor Taylor reported the following: attended several meetings representing Swisher; Iowa League of Cities had emergency call regarding the State proposal to restructure Local Option Sales Tax and making it a sales tax thru the whole state, the State would backfill the lost income to the cities, but has concern the backfill would be taken away eventually as the State has done in previous backfills. Swisher would lose LOST monies and recommend letting your legislator know of the impact to your community. Friends of the Library will no longer host the City-Wide Garage Sales and if anyone is interested in taking this over, please let him or the city clerk know.

**Council:** Neuendorf attended the Fire Department meeting and they are looking into purchasing 2000-gallon tank.

**Employees:** Chad McCleary with ION reported the following: explained problems with Nutrijet and hired another company to remove the sludge, there was more sludge to remove than expected; recommend removing sludge every year; waiting for quote for dryer at plant. Persons reported the following: Facebook is

growing; city now has Twitter; the first digital newsletter should be out March 1<sup>st</sup> thru email and website which residents are to sign up for it. Kakacek submitted written report which is on file at city hall. She noted if the State passes the restructuring of Local Option Sales Tax it would be detrimental to the citizens as the city would have to tax for debt service levy for the amount not received from LOST. Kakacek noted MPO is asking what Swisher wants to do for traffic counts, etc. this next budget year. Mayor recommended MPO do traffic study on Division Street with the new construction done on the road.

**Miscellaneous Reports:** Council reviewed Swisher Parks & Recreation January 19,2022 Minutes.

**BUSINESS:**

**Compressor and Air Dryer:** As noted previously from McCleary there is no quote for air dryer. After review of quote, Pudil moved, seconded by Neuendorf to approve purchase from Delta Industries Inc of \$1,952.00 plus freight for compressor at sewer plant. Roll call vote. All ayes. Motion carried.

**Sludge Removal:** After review of invoice, Pudil moved, seconded by Stagg, to approve payment of \$19,853.17 to Martin Manure Movers for sludge removal. Roll call vote. All ayes. Motion carried.

**Public Hearing—Annexation of 37.4 Acres West of Swisher View Drive-Fisher & James Properties:**

Motion by Gudenkauf, seconded by Neuendorf, to open public hearing to consider annexation of 37.4 acres west of Swisher View Drive owned by Fishers and James. Call for vote. All ayes. Motion carried and hearing opened at 7:32 p.m. Alan Fisher noted he was willing to do Quit Claim Deed to the City or adjacent land owner for the small part of land to be annexed in. He asked what can be done to speed the process of annexation. Kakacek explained the required process by City Development Board at the state and noted she didn't receive the complete, correct legal descriptions of the properties to be annexed in until January 31<sup>st</sup> which the applicant is required to submit. She noted the first notice sent out to utilities and residents has to be resent with a new public hearing date due to legal descriptions not being correct per the city attorney. Doug Tomash asked the impact of this annexation and easement not on his property. Kline noted the easement will probably be transferred to new owner. No written comments were received. Mayor closed hearing at 7:44 p.m. Mayor noted another public hearing will have to happen after notices are sent with correct legal description.

**Public Hearing for 2021-22 Budget Amendment:** Motion by Gudenkauf, seconded by Stagg to open public hearing for budget amendment. Call for vote. All ayes. Motion carried and hearing opened at 7:45 p.m. No written or verbal comments were received. Pudil moved, seconded by Gudenkauf to close public hearing. Call for vote. All ayes. Public hearing closed at 7:46 p.m.

**Resolution No. 2022-04-Budget Amendment for 2021-22:** After review, Stagg moved, seconded by Heims to approve Resolution No. 2022-04 entitled "RESOLUTION APPROVING THE CITY'S PROPOSED AMENDMENT #1 TO THE FISCAL YEAR 2021-22 BUDGET". Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2022-04 passed.

**Public Hearing for 2022-23 -Max Tax Levy:** Motion by Neuendorf, seconded by Stagg to open public hearing for required notice of maximum tax levy not including debt levy tax. Call for vote. All ayes. Motion carried and hearing opened at 7:47 p.m. No written or verbal comments were received. Pudil moved, seconded by Stagg to close public hearing. Call for vote. All ayes. Public hearing closed at 7:48 p.m.

**Resolution No. 2022-05-Max Tax Levy Rate for 2022-23 Budget:** After review, Heims moved, seconded by Stagg to approve Resolution No. 2022-05 entitled "RESOLUTION APPROVING THE MAXIMUM PROPERTY TAX DOLLARS FOR BUDGET YEAR JULY 1, 2022 TO JUNE 30, 2023". Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2022-05 passed.

**Set Public Hearing Date for 2022-32 Budget:** Motion by Neuendorf, seconded by Stagg, to set public hearing date for March 14, 2022 at 7 p.m. at Swisher Library. Call vote. All ayes. Motion carried.

**3<sup>rd</sup>/Final Reading of Ordinance #279-Add Chapter 78-Allowing UTVs on City Streets:** Gudenkauf moved, seconded by Neuendorf, to introduce Ordinance #279 by title only entitled “CHAPTER 78, UTILITY VEHICLES (“UTVS”)” allowing UTVs on Swisher city streets and be given its third and final reading. Stagg inquired if it was illegal to charge registration fee. Mayor noted per current law it is legal. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance #279 was passed and adopted.

**UTVs Registration Form:** After review of amended changes, Pudil moved, seconded by Stagg to approve amended registration form for UTVs. Roll call vote. All ayes. Motion carried.

**Set Public Hearing Date to Amend Chapter 75—Regarding ATVs and Registration Fee:** Motion by Neuendorf, seconded by Stagg, to set public hearing date for March 14, 2022 at 7 p.m. at Swisher Library. Call vote. All ayes. Motion carried.

**Ball Diamond Equipment:** Brad Dahlstrom from Swisher Parks & Recreation Commission talked to council via cell phone as couldn’t hear on Zoom requesting tabletop scoreboards and pitching machines for upcoming youth programs. Pudil asked Dahlstrom why needed two table top scoreboards and pitching machines. Dahlstrom noted pitching machines can be used simultaneously in the ball diamond outfield and infield; the tabletop scoreboard has timer/buzzer which will be easier to use than stop watches. Pudil noted the scoreboards will need to stored inside at city hall or library. Pudil inquired if this would be paid for by sponsorships/registration fees. Dahlstrom noted the sponsorship and registration fees pay for the uniforms. Kakacek noted it wasn’t in the budget but there is money in general fund to cover this. After discussion, Gudenkauf moved, seconded by Heims, to approve purchase of 2 tabletop scoreboards and 2 pitching machines at cost of \$1,411.56 plus shipping. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Motion carried. Gudenkauf thanked Dahlstrom for all the work he has put into the youth programs.

**Swisher Fun Days:** After review, Stagg moved, seconded by Pudil, to approve Swisher Fun Days requests as follows: city pay for port potties/handwashing sinks with Action Services, city provide one dumpster, waive vendor permits for Fun Days Market and be held at Downtown Park, city pay for fireworks, allow open alcohol containers on closed streets during the event; street closures all for July 29 & 30, 2022. Roll call vote. All ayes. Motion carried.

**Street Closures-The Swisher Markets:** It was noted this was called The Vault Street Market before but changed name to The Swisher Markets with vendors selling crafts, etc. After review of street closure application, Stagg moved, seconded by Pudil to approve street closures for June 4, 2022 with rain date of June 5, 2022. Roll call vote. All ayes. Motion carried.

**Resolution No. 2022-06-Set Wage for Public Works Superintendent:** Kakacek noted the last resolution gave a range of pay, so need to adopt this resolution showing exact amount of pay. Motion by Neuendorf, seconded by Heims to approve Resolution No. 2022-06 entitled “A RESOLUTION APPROVING HIRING THE SUPERINTENDENT OF PUBLIC WORKS FOR CITY OF SWISHER, IOWA” to Justin Fields at \$25.00 per hour with \$900 per month in lieu of health insurance. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2022-06 passed.

**Resolution No. 2022-07-Approve Contract with Johnson County Sheriff:** It was noted the rates did not increase from current year. After review of contract, Pudil moved, seconded by Stagg to approve Resolution No. 2022-07 entitled “A RESOLUTION AUTHORIZING THE CITY OF SWISHER TO ENTER INTO CONTRACT WITH JOHNSON COUNTY, IOWA SHERIFF’S OFFICE FOR POLICE PROTECTION”. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2022-07 passed.

**Consider Public Purpose Policy for Expenditure of Funds:** Kakacek noted several cities have this type of policy set up for expenditure of funds. This would be used sustenance supplies, open house on project,

retirement/longevity gift, meals at work sessions, memorial sent for death of employee, councilmember, mayor or their immediate family, etc. Council directed this to be put on next regular council meeting agenda.

**Payment for Division Street Project:** Kakacek recommended Council not to pay the full amount requested as need to verify with the engineer the exact costs. Cutsforth wasn't available today, so will talk to him tomorrow. Stagg noted he prefer not to pay until confirm amount with the engineer. Council agreed.

**Correspondence** Council reviewed the following: letter from J & M Displays that fireworks cost will be increased; email from resident of coyotes in Swisher; two site plans within fringe area but no comment is required from city as the agreement doesn't address site plans; information on AARP Community Challenge Grant Program; email from MidAmerican investing into WIND Prime-renewable energy project; IRWA Certificate of Membership; list of 2022 Swisher Commissions, four Chicken Permits.

**Adjournment:** Motion by Neuendorf, seconded by Stagg to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 8:25 p.m.

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Tawnia Kakacek, City Clerk/ Finance Officer

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Christopher Taylor, Mayor