

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

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

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, Librarian Laura Hoover, Tim McCleary-ION Environmental, City Engineer Representative Tim Cutsforth, Johnson County Sheriff Deputy, Gene Beard, Audra, Keith, and Joe Nearad. Via Zoom was Steve Selbrecht.

**Consent Agenda:** Heims moved, seconded by Neuendorf to approve the Consent Agenda consisting of: Agenda, February 14 and March 7, 2022 Council Minutes; updated List of Claims; February 2022 Clerk/Treasurer Report and Utility Balance Report; notice of Board of Adjustment vacancies. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried.

**Citizen Comments:** Gene Beard noted there are currently not enough Board of Adjustment members to pass a request.

**Reports:**

**Librarian:** Librarian Hoover reported the following: mailed to all postal patrons information of the library paid by grant money; library is partnering with WILOS for the Easter Egg breakfast at 9:30 am and hunt at 10 am all at Castek Park; the library board is starting to work on a 5 year plan and they will meet with South Slope.

**Engineer:** Cutsforth reported the following: attended the annexation meetings; met with Fields and reviewed the proposed shop building/location; will be picking out streets for 2023 Streets Project.

**Mayor:** Mayor Taylor noted he will be attending Iowa League of Cities Board on April 7<sup>th</sup>.

**Employees:** Tim McCleary with ION read their monthly report. Persons reported she has done a digital newsletter and some residents signed up for it. Fields reported the following: unplugged grate in alley by Murk-N-T; the F550 truck broke down twice each time right before the snow came. Pudil noted Swisher Men's Club presented big check to the City for their donation to the shade cover at Downtown Park. Kakacek noted WILOS will be hosting the City-Wide Garage Sales on first Saturday of May. Her written report is on file at city hall. Gene Beard noted no parking signs will need to be posted for the city-wide garage sale.

**Miscellaneous Reports:** Gene Beard gave update of monthly fire department report.

**BUSINESS:**

**Public Hearing for 2022-23 Budget:** Motion by Neuendorf, seconded by Pudil to open public hearing for 2022-23 Budget. Call for vote. All ayes. Motion carried and hearing opened at 7:23 p.m. No written or verbal comments were received. Mayor closed public hearing at 7:24 p.m.

**Resolution No. 2022-08-Budget for 2022-23:** After review, Stagg moved, seconded by Heims to approve Resolution No. 2022-08 entitled “A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2023”. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-08 passed.

**Public Hearing to Amend Chapter 75-ATVs:** Motion by Heims, seconded by Neuendorf to open public hearing to amend Chapter 75-ATVs general regulations and registration. Call for vote. All ayes. Motion carried and hearing opened at 7:25 p.m. Ms. Persons noted she did research on ATVs and doctors don't recommend ATVs on hard surfaces as risk is extremely high if hit by a car. Mr. Nearad noted Linn County allows them and there are very few ATVs in town and doesn't agree with her research. No written comments were received. Mayor closed public hearing at 7:28 p.m.

**1<sup>st</sup>/Final Reading of Ordinance #280-Amend Chapter 75-ATVs General Regulations and Registration:** Stagg moved, seconded by Neuendorf, to introduce Ordinance #280 by title only entitled “AN ORDINANCE AMENDING CHAPTER 75.03-GENERAL REGULATIONS ON ALL-TERRAIN VEHICLES AND ADD CHAPTER 75.08-ATVS REGISTRATION TO THE SWISHER CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA” allowing ATVs on Swisher city streets and require registration with the City and be given its first reading. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Ordinance #280 was given its first reading. Motion by Pudil, seconded by Stagg that the laws and rules providing that an ordinance be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended and dispensed with for Ordinance #280. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Motion by Stagg, seconded by Pudil to place Ordinance #280 upon its third and final passage and be adopted. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Ordinance #280 adopted.

**Resolution No. 2022-09-Amend Chapter 75-ATVs-Streets to Drive ON:** After review, Neuendorf moved, seconded by Pudil to approve Resolution No. 2022-09 entitled “RESOLUTION DESIGNATING STREETS FOR ATVS AND OFF-ROAD UTILITY VEHICLES THAT MAY BE OPERATED WITHIN THE CITY OF SWISHER, IOWA”. Pudil inquired if we allow UTVs on Division Street and it does. Council directed to change UTVs ordinance to not allow UTVs on Division Street except to cross it. Motion by Pudil, seconded by Heims, to amend proposed resolution stating registered ATVs and off-road utility vehicles are allowed on streets within the city limits of Swisher except 120<sup>th</sup> Street/Division Street. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried and amendment approved. Roll call vote for Resolution 2022-09 as amended. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-09 passed.

**Payment for Division Street:** Kakacek recommended to pay \$3,510.44 from the Pay Request No. 8 of \$37,732.99 as per the city engineer the County owes the City \$34,222.55 for the project engineering and plans. Motion by Neuendorf, seconded by Pudil to approve payment of \$3,510.44 to Johnson County Secondary Roads. Roll call vote was taken. All ayes. Absent: Gudenkauf. Motion carried.

**Castek Trail Park Change Request:** Cutsforth noted the concrete cost estimates are coming in much higher than their original engineer estimate and recommended to send out bids for both asphalt and concrete. After discussion, Pudil moved, seconded by Heims to obtain bids for 4” asphalt. Call for vote. All ayes. Absent: Gudenkauf. Motion carried.

**Shop Building on 3<sup>rd</sup> Street:** Fields and Cutsforth recommended the proposed building be moved further east on the lot due to the drainage issue. If it was built where proposed first, City would have to add up to 2 feet of rock to raise the building. It was noted that later in time an addition of 40 feet would be added to the building. Pudil recommended to use the existing rock on the property and have windows in the building. Fields noted the following: he could install the windows; would like to move the big garage door to east end of building; he can hook up sewer and water line; the sidewalk will need to be removed which was included in the original bid. It was noted having the building at the current proposed location wouldn't meet the

required setbacks. Council reviewed the previous engineer drawing for the shop location showing the building at an angle in the middle of the lot. The hoop shed may have to move and the existing concrete from the old building will remain to store equipment/materials with the hoop shed on it. Mayor noted the city engineer was not involved with looking at the first proposed building. After discussion, Pudil moved, seconded by Neuendorf, to have HR Green evaluate shop building site, map out the building and have construction occur with Fields's input. Roll call vote was taken. All ayes. Absent: Gudenkauf. Motion carried.

**Fire Department Proposal:** Gene Beard of The Jefferson-Monroe Fire Department presented proposal to store their old firetruck in the garage building along with the JCEMA mass casualty trailer. The current agreement to store the trailer had expired. The fire department proposes to do garage maintenance and assume utilities for term of five years. After discussion, Pudil moved, seconded by Stagg for the fire department to move forward and send agreement to the city. Call for vote. All ayes. Absent: Gudenkauf. Motion carried. Once agreement is received, it will be reviewed by the city attorney.

**Licensing Golf Carts:** After discussion, Pudil moved to direct the city attorney to draft ordinance to register golf carts at \$10 annually. Call for vote. All ayes. Motion carried.

**WWTP Air Dryer:** After review of quote, Pudil moved, seconded by Neuendorf to approve purchase from Delta Industries Inc. of \$3,992.29 plus freight for air dryer at sewer plant. Roll call vote. All ayes. Motion carried.

**Projects for MPOJC:** Council reviewed annual request from Metropolitan Planning Organization of Johnson County of projects Swisher wants done. Cutsforth recommended doing traffic counts on Swisher View Drive & Oak Avenue, Jefferson Avenue & 3<sup>rd</sup> Street, Rose Avenue & 3<sup>rd</sup> Street. After discussion, Council gave consensus to proceed with Cutsforth's recommendations.

**Swisher Farmers Market Location:** Swisher Farmers Market Committee requested to hold their future markets at the Swisher Downtown Park. Motion by Neuendorf, seconded by Heims to allow future Swisher Farmers Markets to be held at Swisher Downtown Park. Call for vote. All ayes. Absent: Gudenkauf. Motion carried.

**Resolution No. 2022-10-Set Public Hearing to Annex Fishers & James Properties:** After discussion, Stagg moved, seconded by Neuendorf to approve Resolution No. 2022-10 entitled "RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER APPLICATION FOR VOLUNTARY ANNEXATION FOR PROPERTIES OWNED BY FISHER BROTHERS LLC AND WILLIAM A FISHER & DORTHY ANN FISHER REVOCABLE TRUST AND NEAL AND MOLLY JAMES" of approximately 37.4 for April 4,2022, at 6:30 p.m. at Swisher Library. Roll call vote. Ayes: Heims, Neuendorf, Stagg. Nays: Pudil. Absent: Gudenkauf. Resolution No. 2022-10 passed. Pudil noted this should be done at a regular meeting.

**Resolution No. 2022-11-Set Public Hearing to Annex Forrest Ridge Property:** Pudil moved, seconded by Stagg to approve Resolution No. 2022-11 entitled "RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER APPLICATION FOR VOLUNTARY ANNEXATION FOR PROPERTY OWNED BY MARK RALSTON, FORREST RIDGE LLC" of approximately 40 acres for April 11,2022, at 7 p.m. at Swisher Library. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-11 passed.

**Temporary Mowing Position:** After review of proposed advertisement, Neuendorf moved, seconded by Pudil to advertise for temporary mowing position for up to 20 hours a week with pay at \$15.00 per hour from April 2022 thru October 2022. Call for vote. All ayes. Absent: Gudenkauf. Motion carried.

**Set Public Hearing Date to Amend Chapter 120.05—Regarding Alcohol Hours of Sale:** Kakacek noted the State Code changed selling hours on Sunday to 6 a.m. but Swisher Code still states 8 a.m. Motion by

Stagg, seconded by Heims, to set public hearing date for April 11,2022, at 7 p.m. at Swisher Library. Call vote. All ayes. Motion carried.

**Resolution No. 2022-12-Approve Credit Card for PW Superintendent:** After discussion, Pudil moved, seconded by Heims to approve Resolution No. 2022-12 entitled “A RESOLUTION APPROVING A CREDIT CARD FOR SUPERINTENDENT OF PUBLIC WORKS, JUSTIN FIELDS FOR THE CITY OF SWISHER”. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-12 passed.

**Resolution No. 2022-13—Approve Public Purpose Policy for Expenditure of Funds:** After discussion, Pudil moved, seconded by Heims to approve Resolution No. 2022-13 entitled “RESOLUTION APPROVING PUBLIC PURPOSE POLICY FOR EXPENDITURES OF FUNDS AND ADD TO THE CITY OF SWISHER POLICY AND PROCEDURES MANUAL FOR THE CITY OF SWISHER”. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-13 passed.

**Resolution No. 2022-14—Amend Vacation Hours on Human Resources Manual:** After discussion, Pudil moved, seconded by Heims to approve Resolution No. 2022-14 entitled “RESOLUTION AMENDING VACATION ACCRUAL TO THE CITY OF SWISHER HUMAN RESOURCES (HR) MANUAL” adding 5 days of vacation to become available 90 days after hire and changing the verbiage from vacation “weeks” to vacation “days” on current policy. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-14 passed.

**Purchase Computer for City Hall:** Kakacek requested new computer as the current one was purchased in 2014 and is having issues. After discussion, Pudil moved, seconded by Stagg, to purchase computer and monitors up to \$3,000.00. Roll call vote was taken. All ayes. Absent: Gudenkauf. Motion carried.

**Correspondence** Council reviewed the following: IDNR letter regarding wastewater inspection report and requiring a five-year sludge management plan; email from Johnson County EMA update on proposal of tax free weekend to include preparedness items for homeowners; info on IDNR Community Forestry Grant Program; Mediacom rate adjustment.

**Adjournment:** Motion by Neuendorf, seconded by Pudil to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:03 p.m.

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Tawnia Kakacek, City Clerk/ Finance Officer

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Christopher Taylor, Mayor