REGULAR CITY COUNCIL MEETING

Call To Order: Mayor Christopher Taylor called the council meeting to order at 7:00 p.m. at Swisher City Hall, Swisher, Iowa on June 12, 2017.

Council Present: Mary Gudenkauf, Rebekah Neuendorf, Mike Stagg, Larry Svec. Angie Hinrichs arrived at 7:06 p.m.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Craig Vondracek, Library Director Laura Hoover, City Attorney Mark Parmenter, City Engineer Tim Cutsforth, Planning & Zoning Member Josh Pfannebecker, Nikki Hynek, Dan Thayer, Gerald Bennett, Norm Neal, Shea Kelly, Fire Dept. Chief Glen Heims. Gene Beard arrived later.

Consent Agenda: After review and discussion, Svec moved, seconded by Gudenkauf, to approve the Consent Agenda consisting of: Agenda; May 8, 2017 Minutes; List of Claims; May 2017 Clerk/Treasurer Report and Utility Billing Audit Report; Cigarette License Renewal-Shelton’s Grocery; Native Wine Sales-Shelton’s Grocery; Alcohol License Renewal and Outdoor Service-Kava House & Café pending dram shop; street closure for Swisher Fire Dept. 5K Run; Resolution No. 2017-22 transferring funds from LOST to Division Street Project. Roll call vote was taken. All ayes. Absent: Hinrichs. Motion carried.

Citizen Comments: None were presented.

Reports:
Librarian: Library Director Hoover reported the following: Summer Reading Program has 60 children signed up; Reading Support Program has 10 signed up; lots of patrons going to the library. Mayor noted Swisher Library was acknowledged at the Celebration of Community Partners in Johnson County.

Mayor: Mayor Taylor reported he had a preliminary meeting for Division Street funding with HR Green, bonding attorney and city clerk; Johnson County Board of Supervisors can meet with the Mayor and Council on September 11th regarding Division Street Project with an onsite tour. Council agreed to meet at 6 p.m. before regular council meeting. He noted a person has offered to pay for a “Stop Ahead” sign west of the post office and will be put on the next regularly scheduled council meeting agenda.

Council: Hinrichs asked if the City should make changes in city code regarding the sale of fireworks. Attorney Parmenter noted some cities have adopted new code, some left their code as is. It was noted the city code requires a permit to shoot fireworks. Stagg would like to leave city code as is for the time being.

Employees: Vondracek noted the following: bought cold patch for streets and filled several holes, Rob Kandl and his boy scout troop repaired and painted the picnic tables for his Eagle Scout Project and did a great job; compressor went out and ordered the part which Teslik will repair; the Vault Market on Saturday was great and very organized. Neuendorf noted that event brought in between $6,000 to $8,000 total in sales for the vendors and businesses. Kakacek noted the following: buying more memory to add to the computer as is very slow but will need new computer in few years as the current computer will be at its maximum memory; Farmer’s Market went well with musician performing; all bills to be paid in this current budget year need to be turned in before June 30th; been reviewing the Iowa League webinars and is available for council and mayor to view; will be on vacation first part of the week in July; need some council code books to insert updates.

Miscellaneous: Council reviewed Library 5-22-17 Minutes; Planning & Zoning 5-22-17 Minutes.

BUSINESS:
Resolution No. 2017-23—Approve Credit Card for Librarian: Stagg inquired what would be charged on the credit card. Librarian Hoover noted mostly for software, website, purchase books that only take credit card, etc. After discussion, Gudenkauf moved, seconded by Neuendorf, to approve Resolution No. 2017-23 entitled “A RESOLUTION APPROVING A CREDIT CARD FOR LIBRARY DIRECTOR FOR THE CITY OF SWISHER”. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Nays: None. Resolution No. 2017-23 passed.
Library Contract: Mayor noted Johnson County Board of Supervisors wants an updated library contract with the city since the Swisher Library is now accredited and will receive $2,000 more in funds each year. Librarian Hoover noted she has the current contract and the Library Board needs to review proposed one first before it goes to Council.


Crossing at Division and Summit: Engineer Cutsforth presented proposed crossing plan for Division Street. After discussion, Gudenkauf moved, seconded by Neuendorf, to approved proposed crossing plan for Division Street from Summit Avenue. Roll call vote was taken. All ayes. Motion carried. This plan will take out the existing “No Parking” sign on north side of Division Street, paint crossing lines on Division Street on the east side of Summit. “Yield” and “150 Feet Crossing Ahead” signs will be installed.

Paint Traffic Lines: Council reviewed quote from LL Pelling to paint traffic lines on Division Street. Kakacek stated the lineal feet may be more than what was on the quote. After discussion, council directed Kakacek to obtain bid with correct lineal feet and include the crossing of Division Street.

Drainage Issue: Council reviewed letter from Larry Maresh regarding the ongoing drainage problem from the city building. Engineer Cutsforth stated curb and gutter could take care of the issue. Council directed city engineer to present options to correct this problem at the next regularly scheduled council meeting. City Clerk will let Maresh know the City is reviewing the issue.

Public Hearing Date-Proposed Fire Protection Water Tank Requirements: Motion by Gudenkauf, seconded by Hinrichs to open public hearing to consider adopting fire protection water tank requirements for future developments. Call for vote. All ayes. Motion carried. Public hearing opened at 7:44 p.m. Mayor Taylor asked public if there was input in favor or not for this proposal. Fire Chief Glen Heims stated the following: better chance to protect property; there are similar water tanks on each coast of the U.S.; the fire department has installed 5 tanks around town at their own cost; the fire department is having ongoing issue with Cedar Rapids of using their water. Fire Representative Gene Beard stated some cities use cisterns if they have a weak water system. San Francisco is adding cisterns and cities can use these tanks as backup for fires. Gudenkauf noted the city bears responsibility for municipal water. Stagg noted it takes a lot of funding to implement city water and can’t afford at this time due to existing projects. Svec stated some contractors have told him if the city adopts this ordinance, they will not develop in Swisher. Norm Neal expressed concern of costs to get city water. Nikki Hynek feels the city should explore city water. Mayor Taylor closed public hearing at 7:59 p.m.

Proposed Ordinance for Adopting Fire Protection Water Tank Requirements: Gudenkauf noted this proposed ordinance was a short-term solution for a long-term problem and will continue to ask Council to look at getting city water. Svec noted he is for water but need to do Division Street improvements first. Hinrichs talked to developers and they were not in favor of these tanks. She asked the fire department what their expenses were for putting in the tanks. She asked Beard if they bill insurance companies for the water used at a fire and they don’t as is a minimal amount. Gene Beard noted public safety is city council’s responsibility and to provide best available protection for the community. Gudenkauf noted this proposed ordinance is not comparable to the one being considered in Shueyville as they have bigger lots, more expensive homes. Neuendorf expressed concerns about development if ordinance was adopted as she sees this as a band-aid and would like to explore city water now. Fire Chief Heims said full pressure to city hydrants was best-case scenario but felt that city water would not happen in the next 5-8 years. Gudenkauf asked if the fire department would partner with the city to support city water and Fire Chief Heims agreed. Council and Mayor thanked the fire department representatives for their time and work on this proposed ordinance. After discussion, Gudenkauf moved, seconded by Neuendorf, to introduce Ordinance by title
only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY ADDING CHAPTER 166.11.6 FIRE PROTECTION WATER TANK REQUIREMENTS” and be given its first reading. Roll call vote. Ayes: None. Nays: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Ordinance failed.

Public Hearing-Zoning Height Definition: Motion by Neuendorf seconded by Hinrichs to open public hearing to consider replacing building height definition of Swisher Code Chapter 165.02(12). Call for vote. All ayes. Motion carried. Public hearing opened at 8:15 p.m. Mayor read proposed definition. No written or verbal comments were received. Mayor closed public hearing at 8:17 p.m.

1st Reading and Final Reading of Ord.#264—Change Zoning Height Definition: After review and recommended approval by Swisher Planning and Zoning, Gudenkauf moved, seconded by Hinrichs, to introduce Ordinance #264 by title only entitled “AN ORDINANCE REPLACING THE MUNICIPAL CODE OF SWISHER, IOWA, SECTION 165.02(12) BUILDING HEIGHT DEFINITION” and be given its first reading. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Nays: None. Motion carried. Motion by Gudenkauf, seconded by Stagg, that the laws and rules providing that ordinances 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 and that Ordinance #264 be placed on its last reading. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Nays: None. Motion carried. Motion by Stagg, seconded by Hinrichs, to place Ordinance #264 upon its final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Nays: None. Motion carried. Ordinance #264 adopted.

Proposed Resolution to Set Public Hearing to Sell Unimproved 1st Street: Norm Neal inquired why this was brought up again. Mayor Taylor noted another request was brought forward on this. Gudenkauf asked if there was a reason to make 1st Street improved as she doesn’t see it being done due to the creek that runs thru 1st Street. Hinrichs expressed concern of selling streets as there may be more requests in the future. Stagg considers the street is a right of way and for future utilities. Svec noted Swisher Planning and Zoning recommended not to sell this street and he stands by their recommendation. After discussion, Gudenkauf moved to approve resolution to set public hearing to consider disposal and accept bids of unimproved 1st Street between Jefferson and Howard Avenues. Motion failed due to lack of a second.

Request to Purchase Alley: Councilperson Gudenkauf recused herself from this agenda item as she would like to purchase part of the alley. Stagg had concerns of utility easements on alley. After review and discussion of email request from Dan Seda to purchase alley between Jefferson and Howard Avenues and 1st and 2nd Street, Neuendorf moved, seconded by Hinrichs to refer request to purchase alley to Swisher Planning & Zoning for recommendation. Roll call vote. Ayes: Hinrichs, Neuendorf. Nays: Stagg, Svec. Abstain: Gudenkauf. Motion failed.

Request to Purchase Outlot A, Orchard Heights Subdivision: Gudenkauf noted this Outlot A was dedicated to the City for green space/recreational area. Hinrichs noted kids do play on this lot. After review and discussion of request letter to purchase Outlot A, Orchard Heights from Shea and Emily Kelly’s attorney, Stagg moved, seconded by Neuendorf, to refer request to Swisher Planning & Zoning for recommendation. Roll call vote. Ayes: Neuendorf, Stagg, Svec. Nays: Gudenkauf, Hinrichs. Motion carried.


Approve to Sell Old Mower: Motion by Stagg, seconded by Gudenkauf to approve sale existing mower. Roll call vote was taken. All ayes. Motion carried.

Approve Reimbursement for Treatment of City Tree: Councilperson Stagg requested to be reimbursed for ash tree treatment he paid for that was on city alley. Motion by Gudenkauf, seconded by Neuendorf, to approve payment of $280.50 to Mike Stagg for reimbursement of city tree treatment. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Svec, Abstain: Stagg. Motion carried.

Resolution No. 2017-28—Transfer of Funds: City Clerk Kakacek noted this transfer was budgeted to have funds set aside for the Revolving Loan Program and Community Fund. Gudenkauf moved, seconded by Stagg, to approve Resolution No. 2017-28 entitled “A RESOLUTION AUTHORIZING THE CITY CLERK TO TRANSFER FUNDS” from the General Fund to Revolving Loan Fund and Community Fund. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Nays: None. Resolution No. 2017-28 passed

Resolution No. 2017-29—Transfer of Funds: City Clerk Kakacek gave recommendation of funds to transfer to reserve accounts for current budget year. Stagg moved, seconded by Neuendorf, to approve Resolution No. 2017-29 entitled “A RESOLUTION AUTHORIZING THE CITY CLERK TO TRANSFER FUNDS” from the General and Sewer Funds to Reserve Account Funds. Roll call vote. Ayes: Gudenkauf, Hinrichs, Neuendorf, Stagg, Svec. Nays: None. Resolution No. 2017-29 passed


Correspondence: City Clerk played voice message regarding nuisance. Council reviewed the following: information on Iowa DOT Grade Crossing Program; invitation to Iowa League of Cities Conference; gun-free zones article from Katheryn Birky; nuisance letters, and letter from Dorothy Teslik requesting the city to install flags under each street light on Main Street/2nd Street. Council thought this was a good idea and directed Vondracek to contact her for more details. Johnson County Sheriff May 2017 Report; Building Permits for 122 2nd Street SE, 120 Alan Avenue Unit B, 100 Orchard Street SW, 308 Essex Avenue were on the council table for review.

Adjournment: Motion by Svec, seconded by Neuendorf to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:39 p.m.

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Tawnia Kakacek, City Clerk  Christopher Taylor, Mayor