

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
JULY 11, 2022

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 July 11, 2022.

Council Present: Kris Heims and Michael Stagg. Via Zoom was Rebekah Neuendorf. Absent: Kody Pudil and Mary Gudenkauf. Gudenkauf arrived at 6:45 p.m. via Zoom.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, Chad McCleary-ION Environmental, HR Green representative Tim Cutsforth, Patty Herman, Gene Beard. Via Zoom was Jan Cervený.

Consent Agenda: Kakacek recommended to take off the Resolution to transfer from Road Use to Reserves and presented additional bill to be added to List of Claims. Heims moved, seconded by Stagg to approve the Consent Agenda consisting of: Agenda, June 13 Minutes with the amendment to snow and vibrator kit to purchase at \$10,761.39 instead of \$10,173.06, June 27, 2022 Council Minutes; updated List of Claims; Black Squirrel Class C Liquor License renewal with Outdoor Service and Sunday Service; Kava House & Café Class B Beer Permit and Class C Native Wine Permit renewal with Outdoor Service; Resolution No. 2022-34 transferring funds from General and Sewer to Reserve Funds and taking off transfer from Road Use Fund to Reserve Fund; Resolution No. 2022-35 transferring funds from EMA Levy Fund to General Funds; Resolution No. 2022-36 transferring funds from General Fund to Recreation Youth Sports Fund; notice of Board of Adjustments vacancy. Roll call vote. Ayes: Heims, Neuendorf, Stagg. Nays: None. Absent: Gudenkauf and Pudil. Motion carried.

Citizen Comments: Gene Beard requested that residents and businesses get 2-day notice before a street closure is done either by the event holder or the City. Mayor noted the City will look into this and put on a future agenda. Patty Herman asked Council to donate their time to work at Swisher Fun Days. She inquired why there wasn't a flag at Castek Park. Fields noted the pulley broke the flag rope and is trying to get a company with high enough lift to install new rope and flag. Gene Beard requested the City work on getting a location in Swisher for election voting. It was noted the Legion, Fire Station and Library aren't compliant with Iowa state elections requirements.

Reports:

Engineer: Cutsforth reported the seal coat project and alley should be done tomorrow. He noted to asphalt the alley by Kava House and Car Wash would have to be a Competitive Bid done by the engineer as it estimated to be \$75,000. Kakacek noted the City does not have funds to do this unless the Council wants to get a loan. Stagg asked about getting chip seal quote for alley as would be cheaper. Council directed Cutsforth to get chip seal quote.

Mayor: Mayor Taylor reported the following: attended the Iowa League of Cities Executive Board meeting; will be attending the Joint Entity meeting next Monday; thanked city staff, Mike Stagg as Mayor Pro-tem and council for carrying on with city business while he was absent.

Mary Gudenkauf arrived via Zoom at 6:45 p.m.

Council: Neuendorf included in the Council Packet information on Eastern Iowa Airport Compatible Land Use. She noted when the City does developments to consider how it affects the airways and flyways as we have a close proposed development towards the airport. She noted they will come back in August for

feedback from the Council and looks forward to more follow up. Mayor noted the City did ask about 8 years ago having a City representative on the board but they hadn't met for years.

Employees: Chad McCleary with ION report is on file at City Hall. Hoover, Fields, Persons and Kakacek written reports are on file at city hall.

Miscellaneous Reports: Council reviewed Planning & Zoning 6-20-22 Minutes.

BUSINESS:

Sludge Removal/Clean Tanks: McCleary noted the Council doesn't have to approve the sludge removal and tank cleaning tonight as he is trying to obtain more bids. He would prefer camel style truck to be used otherwise he can get bids from other companies using small truck which his company would also bid on. McCleary noted the diffusers keep getting plugged and are hard to change which is why he wants to clean the tanks. He recommends this be done in the fall. This cleaning should be done every 7-8 years. McCleary should have quotes by the August 8th Council meeting. He also noted Aeromod will be here Friday.

Resolution No. 2022-37-Approve Agreement for Sewer Upgrade Plans/Specs for Annexations: Stagg noted at last council meeting it was discussed to include costs to upgrade the streets, curb and gutter on streets that would have to be dug up to upgrade sewer lines. Cutsforth noted the agreement does not include this but can-do addendums to contract for this. Cutsforth noted the final plans would done within 3 months and work would start next year. Kakacek noted we would apply for funding for this project and engineer fees. After discussion, Stagg moved, seconded by Heims to approve Resolution No. 2022-37 entitled "A RESOLUTION APPROVING ENGINEERING AGREEMENT WITH HR GREEN TO DRAFT SEWER UPGRADE PLANS/SPECS FOR ANNEXATIONS FOR THE CITY OF SWISHER". Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Resolution No. 2022-37 passed. Council directed to have on future agenda to upgrade infrastructure for this project.

Sewer Line Repair-Oak Avenue: Fields noted there was a misunderstanding and he thought letters were going to be sent to the residents to get their opinion what they wanted to do with their sewer lines so he hadn't retrieved bids yet. Kakacek sent the residents the agenda acknowledging this will be discussed. Stagg noted at last meeting it was discussed to run lines across creek and hook into existing city sewer main. Cutsforth noted it would cost just as much to fix the current sewer line as is compared to running new lines to the main line. To fix the current sewer line it would have to be back further from their house than it is now. Cutsforth recommended to do sewer lines and hook up directly to the main. City will need to get Floodplain Permit from IDNR which will take a few months and work would be best done in the fall. Motion by Heims, seconded by Stagg to move forward and get quotes and property permits for sewer lines hooked directly to main line. Roll call vote. Aye: Gudenkauf, Heims, Stagg. Nays: None. Abstain: Neuendorf. Absent: Pudil. Motion carried.

Change Order for Division Street Project: Cutsforth explained the change order was combination of reduction of costs for type of paint used on streets requested by the county, additional costs of culvert, concrete entrance pipe, subdrain, tile. After discussion, Stagg moved, seconded by Gudenkauf to approve change order for Division Street Project showing a total reduction of \$6,221.52 which include the additional costs noted above and changes noted above. Roll call vote was taken. All ayes. Absent: Pudil. Motion carried.

Resolution No. 2022-38-Approve Agreement to Create Description of the City of Swisher: Kakacek noted the city attorney recommended the City has legal description for the city boundary and adopt in the code book. After review and discussion, Gudenkauf moved, seconded by Heims to approve Resolution No. 2022-38 entitled "A RESOLUTION APPROVING ENGINEERING AGREEMENT WITH HR GREEN TO CREATE A LEGAL DESCRIPTION OF THE CORPORATE LIMITS OF THE CITY OF SWISHER, IOWA". Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Resolution No. 2022-38 passed.

Review Final Plat of Zach Plum Creek Homestead: Council reviewed final plat for Zach Plum Creek Homestead and Swisher P & Z recommendation of approval. Per the Fringe Area Agreement with Johnson County city can review. Council had no comment on this.

Refer Rezoning Request of Forrest Ridge to Planning & Zoning: Motion by Stagg, seconded by Heims to refer Forrest Ridge LLC rezoning request from AG-Agland to 12RS-Residential Single Family to Swisher Planning & Zoning for recommendation. Call for vote. All ayes. Absent. Pudil. Motion carried.

3rd Street Bridge Repair: Council reviewed quote to repair 3rd Street Bridge. Kakacek noted she did receive police report and insurance card from the police and submitted quote to the person's insurance. They asked where to send the check. Council had concern if find out that more work needs to be done once the contractor starts that the insurance company may not pay it. After discussion, Stagg moved, seconded by Heims, approve CRC Inc, to fix bridge of \$3,694.00 pending confirmation from the individual's insurance that they have done any inspections they want by July 15th as that is when the quote expires and if not confirmed from the insurance company by then, the insurance company can get another quote to fix it. Roll call vote. All ayes. Absent: Pudil. Motion carried.

Approve Letter to State-James Property and Fishers Property Annexation: Kakacek noted this is required when annexing property into the City. After review of letter, Gudenkauf moved, seconded by Stagg, to approve letter to be sent to the State certifying the population in the James and Fishers annexation. Roll call vote. All ayes. Absent: Pudil. Motion carried.

Approve Bid for Ash Tree Removals: Fields noted he received 2 bids today as follows: \$4,500 from L. Miller Landscaping to remove 6 ash trees with them taking the trunks, branches go to the brush pile, stump grind and city would do the cleanup and reseed; CJZ Tree Service of \$4,500 to remove 4-5 trees and take all to the city burn pile. After discussion, Stagg moved, seconded by Gudenkauf to approve L. Miller Landscaping quote of \$4,500 to remove ash trees. Roll call vote was taken. All ayes. Absent: Pudil. Motion carried.

Plaque for Downtown Park: After reviewing Gudenkauf's recommendation of wording for plaque, Stagg moved, seconded by Heims approve wording for plaque and include City of Swisher paying for part of canopy with city staff to pick and order plaque. Call for vote. All ayes. Absent: Pudil. Motion carried.

1st/Final Reading of Ordinance #284-Amend Chapter 75.08-Remove ATV Registration Fee: Heims moved, seconded by Stagg, to introduce Ordinance #284 by title only entitled "AN ORDINANCE AMENDING CHAPTER 75.08—ATVS REGISTRATION WITH REMOVING REGISTRATION FEE TO THE SWISHER CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA" and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #284 was given its first reading. Motion by Neuendorf, seconded by Heims 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 #284. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Motion by Stagg, seconded by Heims to place Ordinance #284 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #284 adopted.

1st/Final Reading of Ordinance #285-Amend Chapter 78.09-Remove UTV Registration Fee: Heims moved, seconded by Stagg, to introduce Ordinance #285 by title only entitled "AN ORDINANCE AMENDING CHAPTER 78.09—UTVS REGISTRATION WITH REMOVING REGISTRATION FEE TO THE SWISHER CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA" and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #285 was given its first reading. Motion by Heims, seconded by Neuendorf 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 #285. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Motion

by Stagg, seconded by Heims to place Ordinance #285 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #285 adopted.

Set Public Hearing Date Require Turn Signals on ATVs: Kakacek noted the current city code doesn't require turn signals on ATVs but does for UTVs. Mayor noted he received email against turn signals and requiring a horn instead. Motion by Stagg, seconded by Heims to set public hearing to consider requiring turn signals on ATVs on August 8, 2022 at 6:30 p.m. at Swisher Library. Call for vote. All ayes. Absent: Pudil. Motion carried.

Compensation for Mayor Pro-tem: Mayor Taylor requested that Mayor Pro-tem Stagg be reimbursed for filling in for him from June 11th thru today that is allowed thru Swisher Code Chapter 16.04. Gudenkauf agreed and thanked Stagg. After discussion, Gudenkauf moved, seconded by Heims to pay Mayor Pro-Tem Stagg \$150.00 for filling in as Mayor during this time stated above. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf. Nays: None. Abstain: Stagg. Absent: Pudil. Motion carried.

Correspondence Council reviewed ISU Community Matters Now newsletter.

Adjournment: Motion by Gudenkauf, seconded by Stagg to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 8:13 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor