REGULAR CITY COUNCIL MEETING

CALL TO ORDER: Mayor Christopher Taylor called the council meeting to order at 7:01 p.m. at Swisher City Hall, Swisher, Iowa on July 13, 2015.

Council Present: Sandra Fults, Mary Gudenkauf, Angie Hinrichs, Mike Stagg, and Larry Svec.

Also present: City Clerk Tawnia Kakacek, Library Director Laura Hoover, City Attorney Megan Dimmit, Johnson County Deputy Sheriff, Sonja LaGrange, Rebekah Neuendorf, Gene Beard, James Rowe, Dan Thayer, Ginny Svec, Dennis Hromidko, Lance Degan, David Smith, Ronald Berrier.

Consent Agenda: Dennis Hromidko of Swisher American Legion noted he changed their request to a temporary transfer from the Legion to corner of Central Avenue and 2nd Street for August 8, 2015 to August 9, 2015 from 2 p.m. to 2 a.m. After review and discussion, Stagg moved, seconded by Fults, to approve the Consent Agenda consisting of: Agenda, June 8 and 22, 2015 Minutes, List of Claims, May 2015 Clerk/Treasurer Report and Utility Audit Report, Alcohol License Renewal Class B and C, Outdoor Service for Kava House & Café, Change of Ownership for Kava House & Café, Temporary Transfer for Club 671 Inc. Roll call for vote was taken. All ayes. Motion carried.

Citizens’ Comments: Ronald Berrier requested council to review his letter and to reconsider allowing ATVs and UTVs on city streets as the same as golf carts.

Reports:
Library Director Report: Hoover reported the following: summer reading program will have a juggler/magician on July 30th and book sale will start in 2 weeks. She noted library used only 87% of their budget last year and presented new library books.

Attorney Report: Council reviewed attorney letter of rate increase.

Engineer Report: Council reviewed engineer report.

Mayor Report: Mayor encouraged residents to help with Fun Days and sign up on the website. He noted Johnson County will be issuing community ids on Friday.

Council Reports: Fults noted tree by 111 Division Street is dead and requested Vondracek to review tree. She gave update on the landscape project for downtown park and east side city sign. She noted the west side city sign needs repainted and trimmed. Fults recommended to address west side city sign on the next agenda. Svec noted a large log is sticking out in the street west of Gudenkauf’s and have Vondracek remove it. He also noted there are some junk cars around town and that may need to be addressed.

Employees’ Reports: Kakacek noted the following: completed work comp payroll audit, Farmer’s Market this Thursday, will start charging 7% sales tax to commercial businesses for utility bill, looking into debit/credit card payments for utility customers, and if the council would like to bring their laptop to the council meeting, she can download the council packet on a flash drive instead of printing a packet. She also noted NIMS testing still needs to be done by certain council members.


BUSINESS:
Building Permit Issued: Ginny Svec noted the dimension of lot size was 2 feet off on the approved building permit issued for 325 Division Street SW. Mayor Taylor noted building permits are issued based on a number factors, including information from the County Assessor, the location of the structure on the lot, and the type of construction. He noted that he has reviewed the site twice, including in-person visits, and as zoning administrator it complies with the city code. He also noted it was the first time Mrs. Svec made that particular complaint. Mayor said the Board of Adjustment may review his decision if requested. No request was made at this time.
Set Public Hearing Date/Library Board Commencement Date: Mayor noted all other City of Swisher commissions/boards commence on January 1st and library board commences on July 1st. He recommended to change library board commencement date start on January 1st. Motion by Gudenkauf, seconded by Hinrichs, to set public hearing for August 10, 2015 at 7 p.m. at Swisher City Hall.

Close Rose Avenue Earlier for Fun Days: Sonja LaGrange requested Rose Avenue to close at 2 p.m. on August 7th instead of 4 p.m. as previously approved as this allows time to set up the inflatables in the Kids Zone. Motion by Fults, seconded by Stagg, to change closing Rose Avenue from 4 p.m. to 2p.m. on Friday, August 7, 2015. Call for vote. All ayes. Motion carried.

Refer to P & Z—Vacate and Sell City Alley: Council reviewed request from Dan Thayer to purchase alley and unimproved street between his house at 76 Howard Avenue SW. City Attorney Dimmit explained process for vacating and selling city alley. Kakacek had sent letters to abutting land owners to alley and street which both are interested. James Rowe expressed interest in purchasing the other end of the alley. Stagg felt the alley was fine to sell but need to review the street request before considering to vacate and sell. After discussion, Stagg moved, seconded by Gudenkauf, to refer request to vacate and sell city alley including the whole alley to Swisher Planning and Zoning Commission to evaluate and make recommendation to Council. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: Svec. Motion carried.

Award Company to Treat City Ash Trees: After review and discussion of various companies’ costs, Hinrichs moved, seconded by Gudenkauf, to hire ILS Green Solutions to treat/ remove city ash trees and review/recommend city trees to treat or remove. Roll call vote. Ayes: Gudenkauf, Hinrichs, Stagg, Svec. Nays: Fults. Motion carried.

Sale of City Equipment: Kakacek noted the City has not received any bids on city equipment to be sold. Gene Beard recommended to list equipment to sell on Gov. Deals like Iowa City. Council agreed.

Public Hearing to Adopt Fringe Area Agreement: Motion by Svec, seconded by Fults, to open public hearing to adopt Fringe Area Agreement with Johnson County. Call for vote. All ayes. Motion carried. Public hearing opened at 8:38 p.m. No verbal or written comments were received. Motion by Fults, seconded by Stagg, to close public hearing. Call for vote. All ayes. Motion carried. Public hearing closed at 8:39 p.m.


Review Dangerous/Vicious Animals Ordinance: After discussion, council agreed to have a special meeting for August 3, 2015 at 6 p.m. to compare the previously favored Hiawatha’s older animal ordinance to the updated Hiawatha ordinance.

Public Hearing to Adopt Proposed Code of Ordinances: Motion by Gudenkauf, seconded by Hinrichs, to open public hearing to adopt proposed code of ordinances. Call for vote. All ayes. Motion carried. Public hearing opened at 8:58 p.m. No verbal or written comments were received. Motion by Fults, seconded by Stagg, to close public hearing. Call for vote. All ayes. Motion carried. Public hearing closed at 8:59 p.m.

1st and Final Reading of Ord.#247—Adopt Code of Ordinances: Motion by Stagg, seconded by Hinrichs, to introduce Ordinance #247 by title only entitled “AN ORDINANCE ADOPTING THE “CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA” and be given its first reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg, Svec. Nays: None. Motion carried. Motion by Fults, 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 #247 be placed on its last reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg, Svec. Nays: None. Motion carried. Motion by Stagg, seconded by Svec, to place Ordinance #247 upon its final passage and be adopted. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg, Svec. Nays: None. Motion carried. Ordinance #247 adopted.

Public Hearing to Rezone 117-2nd Street SW: Motion by Gudenkauf, seconded by Hinrichs, to open public hearing to rezone 117-2nd Street SW to 7RS (Residential Single) from 12RS. Call for vote. All ayes. Motion carried. Public hearing opened at 9:02 p.m. No verbal or written comments were received. Motion by Gudenkauf, seconded by Hinrichs, to close public hearing. Call for vote. All ayes. Motion carried. Public hearing closed at 9:03 p.m.
1st and Final Reading of Ord.#248—Rezone 117-2nd Street SW: Motion by Svec, seconded by Fults, to introduce Ordinance #248 by title only entitled “AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE MUNICIPAL CODE OF SWISHER, IOWA, REGARDING PROPERTIES IN SWISHER, IOWA” to rezone 112 2nd Street SW, Swisher IA from 12RS to 7RS (Residential Single) and be given its first reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg, Svec. Nays: None. Motion carried. Motion by Stagg, seconded by Gudenkauf, 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 #248 be placed on its last reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg, Svec. Nays: None. Motion carried. Motion by Fults, seconded by Stagg, to place Ordinance #248 upon its final passage and be adopted. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg, Svec. Nays: None. Motion carried. Ordinance #248 adopted.


Correspondence: Council reviewed letter from Ronald Berrier requesting to allow ATVs and UTVs. Council agreed to not change their ruling on this. Other items reviewed was email from Chad Zenisek regarding the flash flood in June, Johnson County Public Health requesting City to adopt tobacco-free parks, New Laws of Interest Publication from Iowa League of Cities. May and June Johnson County Sheriff’s Reports, Site Monitoring Report for June 2015, and ICAP annual report were on the council table for review.

Closed Session: Motion by Stagg, seconded by Gudenkauf, to go into closed session per Iowa Code 21.5(j) to discuss negotiations of purchasing county property. Call for vote. All ayes. Motion carried. Council went into closed session at 9:09 p.m. Council went into open session at 10:16 p.m.

County Property: Motion by Svec, seconded by Stagg, to appoint Gudenkauf and Stagg to negotiate with county on purchase of county property not to exceed 10% above appraised value. Roll call vote was taken. All ayes. Motion carried.

Adjournment: Motion by Stagg seconded by Fults to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 10:19 p.m.

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Tawnia Kakacek, City Clerk
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Christopher Taylor, Mayor