

(Subject to Approval)  
**CITY OF SWISHER, IOWA**  
**CITY COUNCIL MEETING MINUTES**  
**JULY 13, 2020**

In order to help stop the spread of the COVID-19 virus, this meeting was held electronically. Chapter 21.8 of the Iowa Code permits electronic meetings where all members participate remotely when in-person meeting is impossible or impractical, which is true during this crisis. Therefore, only City Clerk/Treasurer Kakacek and Public Works Superintendent Carl Spoerl were present at the Swisher City Hall at 66 2<sup>nd</sup> Street SW, Swisher, IA. Anyone could 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 p.m. in Swisher, Iowa on July 13, 2020 via conference call.

**Council Present:** Via conference call was Mary Gudenkauf, Jerry Hightshoe, Rebekah Neuendorf, Michael Stagg. Absent: James Rowe.

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek and Public Works Superintendent Carl Spoerl. Via conference call were HR Green Representative Tim Cutsforth and Aaron Granquist, Kim Grier of Swisher Friends of Library, Regenia Bailey of Bailey Leadership Initiative, Mike Brown of Swisher Men's Club, Steve and Deb Wilson of The CarWash, Kyle Hinrichs.

**Consent Agenda:** Kakacek noted the June Clerk/Treasurer report was not done and Parks and Recreation Chairperson Kringle requested to remove the request to purchase downtown park cover from the agenda as need more information yet. Mayor noted the 6-8-20 Minutes need to be amended under "Hire Consultant help with Swisher Visioning/Planning" to Bailey Leadership from \$1500 without survey and \$2000 with survey. After review, Stagg moved, seconded by Neuendorf to approve the Consent Agenda consisting of: Agenda with removing items 4k. Cover for Downtown Park and 1d. Treasurer Report; June 8, 2020 Regular and Work Session Minutes with noted amendment above; List of Claims; renewal of Class C Liquor License, Class B Wine Permit, Outdoor Service, Sunday Sales for Black Squirrel; renewal of Class B Beer Permit, Class C Native Wine Permit, Outdoor Service for Kava House & Café; notice of open board position of Parks & Recreation. Roll call vote was taken. Ayes: Gudenkauf, Hightshoe, Neuendorf, Stagg. Motion carried.

**Citizen Comments:** Kyle Hinrichs noted the Division Street Project in front of his house that the dirt grading and the end of his driveway is too high and water will run towards his house. Cutsforth noted the issue with the driveway was recognized during a construction meeting last Friday. He met with Hinrichs today while taking survey verification shots on the driveway. Cutsforth recommended to remove and reconstruct the drive to a spot closer to the house, but beyond the right-of-way. The driveway would slope approximately 1% toward the roadway. Mayor inquired if this will be problem with other driveways on this project and Cutsforth said there were some locations where drives sloped away from the road, however, the drives sloped away from the road prior to this project. Granquist mentioned the dirt in the yard will have drainage along the right-of-way. Engineers noted due to ADA rules and the reconfigured intersection with Swisher View Drive, the corner landing had to extend 10' to the east of the west side of the house. Hinrichs also noted he could still see the landing out his window but understood why it was like that. Maps were shown online and proposed changes were sketched. Hinrichs noted the driveway needs to be redone and wants to see the plans with measurements as doesn't want water to run to his house and wants it easy to maintain. Engineers will meet with Hinrichs. Kim Grier from Swisher Friends of Library asked if they can food truck in Swisher for Movie night and what are the requirements. Kakacek noted there is a Peddlers Permit to complete online. Grier asked if there are regulations on parking the food truck. Kakacek will check into this. Grier noted there are some garage sales going on around town, but Friends of the Library didn't have the City -Wide Garage Sale due to COVID and concern of the traffic with all the construction in town. Cutsforth noted the detours will be thru November. Stagg noted city wide cleanup needs to be done yet.

Kakacek talked to Johnson County Refuse and they could do September 12<sup>th</sup> or 19<sup>th</sup>. Mike Brown stated a golf tournament thru town like the one usually done in June is on the September 19<sup>th</sup>. Council directed this to be on the next regular council meeting agenda. Brown stated Swisher Men's Club and possible other Swisher nonprofit groups would like to purchase various banners to be hung in Swisher. The various banners suggested were Veterans, graduates, etc. like other towns. Mayor noted city needs to review what hardware city has for this. Brown will send costs and information to the city clerk and will be on next regular council meeting agenda. Brown inquired where does he go to get the process started to get cover for Downtown Park. He needs to start with the Parks and Recreation Commission and Kakacek will send him the Parks & Recreation meeting invite.

### **Reports:**

**Sheriff:** Kakacek was told kids are riding their bikes onto the library parking lot and jumping off onto the library empty lot and they have concern for their safety. Hightshoe noted there are a lot of kids riding their bicycles on the roadway and concern for their safety with all the detours going on. Spoerl noted a flashing speed sign could be put there. Mayor directed the speed sign be on next regular council meeting agenda.

**Library:** Council read Library Director Hoover's report. It entailed the following: library is open to regular hours except Saturday; library is limiting patrons to five at a time and asking them to wear mask and use hand sanitizer; moved the computers to the back room to allow for social distancing; not adding in-house programming at this time; still doing Story Time by Zoom but considering an outdoor Story Time; finished their fiscal year budget on target which included unanticipated costs for masks, cleaning supplies, etc.; hired summer student working on Historic Swisher collection; looking to replace part-time person and redefining duties for that position. Attached were the May 26, 2020 Library Board Minutes for review.

**Engineer:** Cutsforth reported the following: reviewed right-of-way permits; having weekly meetings for street project; noted there will be two more layers of asphalt to be put down on Division/120<sup>th</sup> Street Project.

**Mayor:** Mayor Taylor noted that Johnson Council of Governments (JCCOG) meet next week and want to remove small cities from being on the board which he strongly opposes as want the small cities to be heard.

**Council:** Gudenkauf noted she, Stagg and Kakacek met with Cedar Rapids Planning and Josh Busard from Johnson County to work on fringe area agreement/map today and conversation is ongoing at this time. Stagg noted they are talking about the area around Hwy 965 and advocating for a few changes. He is trying to get a feel of what each city is trying to do and noted Johnson County didn't want to do a three-way agreement and not be included in it.

**Employees:** Superintendent of Public Works Spoerl reported the following: rafter above the overhead head garage door at 3<sup>rd</sup> Street shop building broke and had repaired; the new garage doors at 3<sup>rd</sup> Street shop are installed but need to have the remotes reprogrammed; windshield broke on JD5100 and getting replaced; had to replace battery on JD2305; did playground inspection with ICAP; will be trimming trees on residents that haven't complied with letter sent out but 75% of the letters sent out have trimmed their trees; noted semi-trailer almost tipped over on corner of 3<sup>rd</sup> Street and Swisher View Drive but was towed out as her GPS told gave her wrong detour directions; he messaged sheriff regarding mopeds not having flag and riding on private property (railroad building lot) and not sure if they are licensed; noted there are several people driving their golf carts on Division Street which is against the Swisher Code; keeping up with mowing/weed-eating. Hightshoe noted there is a big hole on curb by 350 Aaron Court that needs filling. Kakacek noted the following: countertop shield guards are up; there will not be a Swisher Farmers Market this year due to the COVID, but vendors information is on the Swisher Farmers Market face-book page; had ICAP Risk Insurance meeting; sent 60 tree trimming letters out; completed fiscal year end and will start working on annual reports; received insurance refund of \$1090; received refund back for IIMC Conference as that was cancelled. Mayor noted the IA League of Conference will be virtual.

**Miscellaneous Reports:** Parks & Recreation June 17, 2020 Minutes was submitted.

## **BUSINESS:**

**Acceptance of Project and Final Payment for Alley Project:** Hightshoe noted resident was impressed how the alley was done. After review and recommendation of approval from Cutsforth, Gudenkauf moved, seconded by Stagg to approve acceptance of alley project and final payment to Eastern Iowa Excavating of \$2,881.40. Roll call vote was taken. All ayes. Absent: Rowe. Motion carried.

**Amend Street List for 2020-21 Street Project:** Cutsforth noted since the cost for Hill Court Repair was going to be lower than expected the city could do additional streets and keep under the approved \$33,000.00 for street project. After discussion, Stagg moved, seconded by Gudenkauf to approve single coating Jefferson Street from 3<sup>rd</sup> to 4<sup>th</sup> Street and Hilltop Road from Swisher View Drive to end of Hilltop Road. Roll call vote was taken. All ayes. Absent: Rowe. Motion carried. It was noted the City is Pavement Plan is ahead of schedule to 2024.

**Payment to Johnson County Roads-120<sup>th</sup>/Division Street Project:** Per engineer recommendation, Stagg moved, seconded by Neuendorf, to approve payment of \$129,510.29 to Johnson County Secondary Roads for 120<sup>th</sup>/Division Street Project. Roll call vote was taken. All ayes. Absent: Rowe. Motion carried.

**Change Orders-Division Street Project:** Cutsforth noted they had to do additional work due to existing unsuitable material being found on project site and install subdrain line/field drain. He noted HR Green will subtract \$1,470.00 off their fees for the subdrain line as was typo on plans. After discussion, Hightshoe moved, seconded by Stagg, to approve change orders of \$19,248.46 for replacement of subbase material and \$1,830.00 to install subdrain line/field drain. Roll call vote was taken. All ayes. Absent: Rowe. Motion carried.

**Approve Pay Estimate-Division Street Project:** After recommendation from Cutsforth, Gudenkauf moved, seconded by Stagg to approve Pay Estimate No. 1 to Tschiggfrie Excavating for Division Street Project. Roll call vote. All ayes. Absent: Rowe. Motion carried to pay \$627,426.78 to Tschiggfrie Excavating.

**3<sup>rd</sup> Street Bridge for Shovel Ready Projects:** Cutsforth presented opinion of cost of \$338,500.00 for bridge on 3<sup>rd</sup> Street. It was noted this bridge was going need to be fixed/repared in few years according to past inspection. Kakacek noted there are grants for bridge infrastructure and Mayor recommended to council to contact Congress Loeb sack to help with this.

**Resolution No. 2020-32-Award Quote-Orchard Street Subdrain Project:** Cutsforth presented bid quotes from Triple B Construction of \$35,218.00 and Tschiggfrie Excavating of \$59,335.00 and recommended Triple B Construction for the project. After review and discussion, Gudenkauf moved, seconded by Neuendorf to approve Resolution No. 2020-32 entitled "AWARD BID FOR THE ORCHARD STREET SUBDRAIN PROJECT" to Triple B Construction for \$35,218.00. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Stagg. Nays: None. Absent: Rowe. Resolution No. 2020-32 passed.

**Turn Around at Dead End of Amy Street:** Hightshoe noted the lot at south end of Amy Street is part of adjoining lot on Aaron Court and a complaint has been regarding parking boat, camper, and pickup on front end of Amy Street but is back yard of 310 Aaron Court. Hightshoe would like clarification if vehicles can be parked there. Mayor noted this is considered a thru lot with 2 front yards and he will review it more. Hightshoe had concern of no turn around in case of emergency vehicle. It was noted that dead ends are not allowed except for temporary basis which is what is to be for Amy Street.

**Request to Change Alley Traffic Back to 2-Way:** Council reviewed letter from The CarWash Owners Steve and Debra Wilson requesting to make the alley by The CarWash 2-way traffic and consider paving the alley. Wilson's would like traffic to exit to 1<sup>st</sup> Street as difficult for large vehicles leaving the carwash to exit to 2<sup>nd</sup> Street as alot of cars are parked in the alley and can't see traffic on 2<sup>nd</sup> Street. Council would like to know the history of why this alley was changed to a 1-way traffic and directed this to be on the next regular council meeting agenda. Stagg noted city should look in the future at the unimproved alley from 1<sup>st</sup> Street to

Division Street west of Summit Avenue. Deb Wilson noted there are potholes on the alley. Spoerl stated that on a Monday when Kava House is closed he will be repairing the alley. Hightshoe noted in view of the budget not in favor of having engineer do estimate to pave alley as the city cannot afford paving the alley this year or next year. Gudenkauf agreed and recommended to add it to the Pavement Management Plan. Stagg would still like to get idea of what it would cost and Hightshoe would like the cost difference between asphalt and chip seal but not at this time. No action on the alley paving.

**Proposed Fringe Area Agreement Map with Cedar Rapids:** Gudenkauf noted in the map, the owner in the blue area has requested to be annexed into Cedar Rapids this is north of 120<sup>th</sup> and east of Hwy 965. Stagg noted Area C could be annexed in by Cedar Rapids or Swisher which is along 120<sup>th</sup> and Hwy 965 intersections and further above/below. Gudenkauf stated it is wise to expedite Swisher Plans as this is entryway into Swisher Community and need to be visioning annexation and infrastructure to provide. Gudenkauf recommended to have Work Session to discuss this proposal. There is concern of what businesses would be down Highway 965 and entrance to Swisher. There is another meeting scheduled with Cedar Rapids in August and Gudenkauf and Stagg will give update then.

**Street Closure Request:** Council reviewed revised street closure request for Shelton's Grocery 50 Year Celebration. After review Gudenkauf moved, seconded by Neuendorf to approve street closure for 2<sup>nd</sup> Street from Rose Avenue past DanceMor on August 8, 2020 from 6 p.m. to 12 p.m. Call for vote. All ayes. Absent: Rowe. Motion carried. Council congratulated Shelton's Grocery.

**1605 Seneca and 1515 Seneca Future Land Use Amendment Requests from Agricultural to Conservation Development:** These applications are within the 2-mile fringe area and the City is to either review/comment on application or decline to review application. Any City comment shall be sent to the County by letter from the Mayor or Clerk. If City chose to review, it would go to the Swisher Planning and Zoning for recommendation then back to the council. Council had no comments on either application. This will now go back to the county for approval.

**Resolution No. 2020-33-Hire Temporary Part-Time Library Clerk:** Library Board approved hiring Kelsey Taylor. Gudenkauf moved, seconded by Neuendorf to approve Resolution No. 2020-33 entitled "A RESOLUTION AWARDED POSITION AND SETTING THE SALARY FOR TEMPORARY LIBRARY CLERK, PART-TIME POSITION FOR CITY OF SWISHER" to Kelsey Taylor. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Stagg. Nays: None. Absent: Rowe. Resolution No. 2020-33 passed.

**Re-Advertise for Permanent Part-Time Office Staff:** Kakacek noted her and Librarian Hoover would like to change the duties for this position. Kakacek would train Hoover the financial, payroll, utility billing software and the new hire would work in city hall when Kakacek was out of the office taking in payments, answering phones, etc. and guaranteed to work 10 hours a week in the library. Council was fine with this.

**Set Work-Session Date-Planning/Visioning for Swisher Community:** Regenia Baily of Bailey Leadership noted the days she was available for the work session. She inquired if the council and mayor can complete the questionnaire survey before she meets with them. She also asked if they want to work on the proposed fringe area map with Cedar Rapids and they do. Council set Work Session meeting for Tuesday, July 28<sup>th</sup> at 6 p.m.

**Tree Ordinance-Chapter 151:** Kakacek noted 60 letters were sent out to trim trees that were in the right-of-way with requirement to have tree trimmed within 5 days of letter per the code. She requested to increase the number of days to be trimmed. Council agreed that 5 days is not enough time and it should be 14 days. Spoerl noted Chapter 151.05 on Supervision of Tree Trimming needs to be revised as well. Council agreed. Council reviewed letter from Chad Velvik asking in the future to allow more than 5 days to trim trees. Council directed city attorney draft ordinance with 14 days for tree trimming and change Chapter 151.05 with first reading/public hearing for August 10<sup>th</sup> at 7 p.m. It was noted to check into city liability if don't supervise tree trimming.

**Resolution No. 2020-34-Appoint to Parks & Recreation Commission:** After review of Gary Palas application, Stagg moved, seconded by Gudenkauf to approve Resolution No. 2020-34 entitled “A RESOLUTION APPOINTING TO PARKS & RECREATION COMMISSION FOR THE CITY OF SWISHER” of Gary Palas filling in for term ending 12-31-2023. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Stagg. Nays: None. Absent: Rowe. Resolution No. 2020-34 passed.

**Correspondence:** Council reviewed the following: bill received from Katheryn Birky for her hauling the tree branches; IMWCA Risk and Safety Audit; list of residents sent tree trimming letters to; Johnson County Sheriff’s Reports for June 2020; Building Permit for 110 Summit Avenue; Right-of-Way Permits for 638 and 639 Swisher View Drive, 110 Summit Avenue SE, and 227 Division Street; ISU Community Matters publication. Spoerl noted he had no knowledge of Birky’s branches to be picked up earlier. Mayor noted a dead squirrel was brought to city hall by Birky as well stating it was in the tree branches. It is noted the City of Swisher offers a curb-side service to pick up tree limbs and sticks. Please do not include dead animals to be disposed of, nor drop carcasses to City Hall for disposal. The city staff attempts to assist with limb pick up in a timely manner. Thank you for your patience. Mayor noted if dead animals are dropped off at city hall it will be considered harassment.

**Adjournment:** Motion by Neuendorf, seconded by Gudenkauf to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:59 p.m.

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Tawnia Kakacek, City Clerk/ Finance Officer

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Christopher Taylor, Mayor