

CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
July 24, 2023

This meeting was also held electronically. Anyone could attend in person, dial-in or connect electronically to hear the actual 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 24, 2023.

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

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, Tim Cutsworth-HR Green Representative, William Gorman from Johnson County Livable Community for Successful Aging Policy Board, Daryl & Mary Hynek, Curt Cline, Nick Neuendorf, Evelyn Shelton, Gary Palas & Sandee, Ron & Joann Eden, Greg Brenneman, Kathryn Birky, Dean Teslik, Larry Ockenfels, Robin & Carrie Kolosik, Jeff Hynek, Jeff Schulte, Matt Ockenfels, Tracy Guenther, Keith & Audra Nearad, Gail Dunlap, Larry Greiner, Milo & Karen Popp, John W. Serbousek, Norm Neal, Kevin & Barb Krug, Terry Jones. Attended via zoom was Heidi Kuhl-Northland Securities, Sandra Fordice.

Agenda: Mayor Taylor noted Agenda Item No. 6-2nd Reading on Accessory Dwelling Units be removed as a correction needs to be done on the ordinance to include owner must live on the property and city attorney recommends starting over and set a public hearing at the August 14th meeting with the public hearing on August 28th meeting. He also noted there is a request to move Agenda Item No. 10-Purchase Fence for Castek Park right after Agenda Item No. 2-Citizens Comments. Motion by Gudenkauf, seconded by Stagg to approve the Agenda with removing Item No. 6 and moving Item No. 10 right after Item No. 2. Call for a vote. All ayes. Absent: Neuendorf. Motion carried.

Citizens' Comments: Daryl Hynek, Dean Teslik, Curt Cline asked the Council to better notify residents of public hearings. Mayor noted it is published in the paper, on the website, posted around town, and is emailed to people that have requested to get emails on minutes, agendas, public hearings, etc. It was suggested to do a monthly newsletter with the minutes included. Mayor and City Clerk will look into this. It was noted the agenda couldn't be included as that changes before final posting and not enough time to mail. Pudil noted if resident wants to know what is on the agenda the person needs to go look. Persons suggested cutoff date for items to be on the agenda. Mayor noted he will discuss this with Kakacek. Some residents questioned Accessory Dwelling Units (ADUs). Mayor noted that current City Code allows ADUs but this proposed ordinance would be more restrictive. Dean Teslik suggested a survey be done of who wants the town to grow. Heims noted a survey was mailed through the Comprehensive Planning Committee which results are on the City website. The survey showed residents want to grow like Solon and open to growth. Heims encourages residents to come to the Comprehensive Planning meetings.

Fence at Castek Park: Fields presented quotes from Life Time Fence of \$17,940.00 and D & N Fence of \$19,142.00 for 6' fence from park entrance to connect to Tubbs fence. Price was less for just Krug's property. Pudil noted this could set a precedent. Heims noted she has attended a lot of games at the park and hasn't seen any issues of going onto Krug's property. She sympathizes with those that have disabilities but the trail is a cement pad. Pudil noted the fence doesn't stop UTV's and golf carts on the trail. Stagg has concerns about liability issues with installing fence. No action taken.

Public Hearing-Proposed Sewer Rate Increase: Motion by Heims, seconded by Pudil to open public hearing on considering raising sewer rates for next 4 years. Call for vote. All ayes. Absent: Neuendorf. Motion carried. Public hearing opened at 7:08 p.m. Gary Palas inquired why the rates

were being raised. Mayor noted the sewer project on Howard Avenue and 3rd Street will be replacing old sewer lines with upgrades, going from 6" to 8" lines, and connect to the proposed developments. City will be doing a revenue bond through SRF which requires the rates be raised to pay for bond through sewer fees Council asked to increase the rates to over 4 years instead of 2 years to make increase more gradual for residents. Larry Ockenfels asked why the developer can't pay for the bigger lines. Mayor noted the City is required to do this not the developer and developer is responsible for sewer lines in new development. Gudenkauf noted the sewer plant is built for a population of 3000 capacity and was always planned for growth. Daryl Hynek inquired where the funding for the water line being installed on Howard and 3rd come from. Heidi Kuhl of Northland Securities noted a GO Bond through Debt Service Levy or Local Option Sales Tax. Mayor noted the city code requires new developments to install water lines for future city water and hold the City to the same standards to put in water lines. Mayor noted the rates were raised in 2014 due to having deficit to pay sewer loan at that time as the rates were never raised for the last sewer project. Gudenkauf noted it is expensive to stay small because city is not expanding its tax base. Greg Brenneman inquired of proposed cash balances in sewer. Kuhl answered his questions. Kuhl noted if development occurs, the last 2 years of proposed sewer rate increases may not have to happen, depending if it would make SRF requirements on bond. Daryl Hynek inquired of TIF. Mayor noted TIF is only used if growth happens and only for houses in development. TIF doesn't raise anyone's taxes. There was discussion of TIF for payment for GO Bond and Low-to-Moderate Income set aside. Pudil noted the developer wanted to use the TIF to help with the development and he said No. Brenneman inquired what other cities charge. Mayor noted Kakacek has done rate surveys in the past. There were no written comments submitted. Mayor closed the public hearing closed at 7:40 p.m.

1st Reading of Ordinance—Sewer Rate Increase: Gudenkauf moved, seconded by Heims to introduce Ordinance #296 by title only entitled "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF SWISHER, IOWA, SECTION 99.01 SEWER SERVICE CHARGES REQUIRED AND REMOVING BILLING RATE FOR 2016 TO 2017 AND THEREAFTER" and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance #296 was given its first reading. Mayor asked Council if they wanted to waive the requirements of 2 consecutive meetings to proceed to next reading. Council declined.

Presentations on Accessory Dwelling Units (ADUs): William Gorman from Johnson County Livable Community for Successful Aging Policy Board presented information of ADUs and answered questions from the residents. He also answered questions brought up from last meeting. They were as follows: parking requires 1 off street parking for ADU plus 2 off street parking for the main house; rentals-current code allows rentals with single family residences and owner does not occupy them but with ADU it requires the owner to live in the ADU or the main house; setbacks for ADU have to follow the same setbacks as residential single family home; Iowa City trying to ship people off to outlying cities in county—ADUs are not a government program and Iowa City or Johnson County will not build ADUs in Swisher. Noted sanctuary cities don not exist in Iowa as are illegal under Iowa Code. Gorman noted ADUs are an option for elderly people to stay on their property longer so they can have someone take care of them or help with the finances. Heims noted she had an ADU on her family's property when growing up and likes this proposal better where the homeowner must live there as current city code doesn't require it. She called Swisher Planning & Zoning Members and listened to the recording which were in favor of the ADUs. It was noted that if property sells, the buyer would have to abide by the city's rules on ADUs just like buyers have to abide by all city ordinances. D. Hynek asked if they have to come to next public hearing on this. Mayor noted it was up to them if they have new information they want to give, then come. Mayor noted the Council will take the comments and opinions from this and past meetings and decide if want to have ADUs for Swisher or not.

Storm Sewer Repair: Fields noted there is big gap behind the curb on Orchard Street and requested to obtain quotes for repair. Motion by Pudil, seconded by Stagg, to authorize Fields to obtain quotes for storm sewer repair on Orchard Street. Call for vote. All ayes. Absent: Neuendorf. Motion carried.

Apply for Downtown Design Grant: Cutsforth presented grant opportunity for a downtown design that is 100% funded by outside sources, no city match. Kakacek noted Laura Hoover has agreed to write the grant. After discussion, Pudil moved, seconded by Stagg to apply for grant with it going on 2nd Street from Summit Avenue to Jefferson Avenue. Call for vote. All ayes. Absent: Neuendorf. Motion carried.

Change Parking Lot Size for Castek Park: Fields recommended enlarging the parking lot with diagonal parking on both sides of lot. After review of plans and discussion, Pudil moved, seconded by Gudenkauf, to enlarge Castek Park parking lot with moving bumper blocks, adding gravel and adding angle signage signs. Roll call vote was taken. All ayes. Absent: Neuendorf. Motion carried.

Alcohol License: After review, Gudenkauf moved, seconded by Stagg to approve Special Class C Retail Alcohol License and Outdoor Sales for JS And S Kava, Inc. Roll call vote was taken. All ayes. Absent: Neuendorf. Motion carried.

Final Payment-Shop Addition: Fields noted the addition was not completed but recommended to pay and hold check until completed. Motin by Gudenkauf, seconded by Pudil, to approve final payment to Eastern Iowa Building Inc. of \$2,050.00 and hold check until Fields decides shop addition is completed. Roll call vote was taken. All ayes. Absent: Neuendorf. Motion carried.

Welcoming Sign Contest Rules: Kakacek read Councilperson Neuendorf email stating she likes the CR Signs design but would want all the signage in town be cohesive and hold off on decision until a logo is decided. After review of proposed sign from CR Signs and contest rules, Pudil moved seconded by Stagg to have city logo contest and pause on monument sign. Call for vote. All ayes. Absent: Neuendorf. Motion carried.

Adjournment: Motion by Stagg, seconded by Heims to adjourn. Call for a vote. All ayes. Motion carried. Meeting adjourned at 9:02 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor